



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 11, 2011

House File 1 - Introduced

HOUSE FILE

BY PAULSEN, RAECKER,
UPMEYER, SCHULTE,
WATTS, TJEPKES,
SCHULTZ, ANDERSON, DE
BOEF, HUSEMAN, LUKAN,
LOFGREN, MOORE,
GARRETT, FORRISTALL,
L. MILLER, RAYHONS,
DRAKE, WAGNER,
HELLAND, KAUFMANN,
PEARSON, SHAW,
HAGENOW, J. SMITH,
JORGENSEN, DEYOE,
BRANDENBURG, SWEENEY,
HEIN, KLEIN, S. OLSON,
GRASSLEY, RASMUSSEN,
BALTIMORE, SODERBERG,
FRY, WORTHAN, VANDER
LINDEN, BYRNES, SANDS,
and WINDSCHITL

A BILL FOR

1 An Act establishing an organized system of reviews and ongoing
2 repeal dates for programs and projects administered by
3 executive branch departments.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 TLSB 1388YH (3) 84
 jp/rj



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House File 1 - Introduced continued

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1 1 Section 1. NEW SECTION. 8.71 Ongoing program review ==
1 2 repeal dates.
1 3 1. The general assembly finds that a regular review of
1 4 the programs and projects administered by state government is
1 5 necessary to determine whether each program and project is
1 6 effectively and efficiently meeting the needs for which created
1 7 and whether the needs remain applicable. The general assembly
1 8 further finds that a regular, systematic review process can
1 9 identify the programs and projects that are no longer relevant
1 10 or functioning at a desirable level and can eliminate or
1 11 reorganize those programs and projects so that state resources
1 12 can be used most effectively or diverted to other priorities.
1 13 2. The committees on state government of the senate
1 14 and house of representatives shall propose legislation for
1 15 consideration by the Eighty=fourth General Assembly, 2012
1 16 Session, providing a staggered schedule for establishing an
1 17 automatic repeal date for each program or project administered
1 18 by a department of state government over the succeeding
1 19 five=year period. The committees on state government shall
1 20 consult with the office of the governor and the department
1 21 of management in formulating the staggered schedule and the
1 22 office and department shall cooperate in providing necessary
1 23 information requested by either committee. The repeal date
1 24 provisions shall be implemented in a manner so that any program
1 25 or project that is reauthorized by law is again subject to
1 26 automatic repeal five years after reauthorization.
1 27 EXPLANATION
1 28 This bill addresses regular review of programs and projects
1 29 administered by executive branch departments by providing for
1 30 implementation of an organized system of ongoing repeal dates
1 31 for the programs and projects. Code section 8.2 defines the
1 32 term "department" to mean any executive department, commission,
1 33 board, institution, bureau, office, or other agency of the
1 34 state government, that uses, expends, or receives any state
1 35 funds.



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House File 1 - Introduced continued

2 1 New Code section 8.71 states legislative findings as to
2 2 the purposes for performing a regular review of programs and
2 3 projects. The committees on state government of the senate and
2 4 house of representatives are directed to propose legislation
2 5 for the Eighty=fourth General Assembly, 2012 Session, providing
2 6 a staggered schedule for establishing an automatic repeal
2 7 date for each program or project administered by a department
2 8 over the succeeding five=year period. The committees on
2 9 state government are required to consult with the office of
2 10 the governor and the department of management in formulating
2 11 the staggered schedule and the office and the department are
2 12 required to cooperate in providing information requested by
2 13 either committee. The repeal date provisions are required to
2 14 be implemented in a manner so that any program or project that
2 15 is reauthorized by law is again subject to automatic repeal
2 16 five years after reauthorization.

LSB 1388YH (3) 84

jp/rj



Iowa General Assembly
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House File 10 - Introduced

HOUSE FILE

BY PETTENGILL, SANDS,
DEYOE, LUKAN,
WINDSCHITL, DOLECHECK,
CHAMBERS, SHAW, WATTS,
KAUFMANN, SODERBERG,
WORTHAN, PAUSTIAN, and
SCHULTZ

A BILL FOR

1 An Act repealing statewide licensure requirements for
2 electricians and electrical contractors, including
3 transition provisions, and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1255YH (4) 84
rn/rj



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House File 10 - Introduced continued

PAG LIN

1 1 Section 1. Section 100C.2, subsection 4, paragraph b, Code
1 2 2011, is amended to read as follows:

1 3 b. An employee or subcontractor of a certified alarm system
1 4 contractor who is an alarm system installer, ~~and who is not~~
~~1 5 licensed pursuant to chapter 103~~ shall obtain and maintain
1 6 certification as an alarm system installer and shall meet and
1 7 maintain qualifications established by the state fire marshal
1 8 by rule.

1 9 Sec. 2. Section 100C.10, subsection 3, Code 2011, is amended
1 10 to read as follows:

1 11 3. The state fire marshal, or the state fire marshal's
1 12 designee, ~~and the chairperson of the electrical examining board~~
~~1 13 created in section 103.2~~ shall be nonvoting ex officio members
1 14 of the board.

1 15 Sec. 3. REPEAL. Chapter 103, Code 2011, is repealed.

1 16 Sec. 4. TRANSITION PROVISIONS. The division of state fire
1 17 marshal of the department of public safety shall adopt rules
1 18 establishing a procedure for the refunding of license fees
1 19 remitted by licensees under chapter 103 on a prorated basis
1 20 corresponding to the period remaining after December 31, 2011,
1 21 and prior to a license's expiration date.

1 22 Sec. 5. EFFECTIVE DATE The sections of this Act amending
1 23 sections 100C.2 and 100C.10, and repealing chapter 103, take
1 24 effect December 31, 2011.

1 25 EXPLANATION

1 26 This bill repeals Code chapter 103, providing for statewide
1 27 licensure of electricians and electrical contractors. The
1 28 effect of this repeal would be to return to the system of
1 29 administration and regulation of electricians and electrical
1 30 contractors, and electrical inspections, by political
1 31 subdivisions in place prior to the enactment of the Code
1 32 chapter. The bill directs the division of state fire marshal
1 33 of the department of public safety to adopt rules providing for
1 34 refunding license fees on a prorated basis corresponding to
1 35 the period remaining after the repeal and prior to a license's



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2 1 expiration date. The bill makes conforming changes within
2 2 Code chapter 100C, which regulates the licensing of fire
2 3 extinguishing and alarm system contractors and installers.
2 4 Provisions of the bill regarding the adoption of rules for
2 5 prorating license fees take effect July 1, 2011. The remaining
2 6 provisions of the bill take effect December 31, 2011.

LSB 1255YH (4) 84

rn/rj



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House File 2 - Introduced

HOUSE FILE

BY UPMEYER, L. MILLER,
HEATON, SCHULTE,
PETTENGILL, ALONS, DE
BOEF, HAGENOW,
RAECKER, S. OLSON,
PAUSTIAN, CHAMBERS,
IVERSON, SANDS,
WINDSCHITL, DEYOE,
WATTS, TJEPKES,
SCHULTZ, ANDERSON,
HUSEMAN, LUKAN, MOORE,
FORRISTALL, RAYHONS,
DRAKE, WAGNER,
HELLAND, PAULSEN, FRY,
COWNIE, BALTIMORE,
SODERBERG, VANDER
LINDEN, HANUSA,
WORTHAN, KOESTER,
JORGENSEN, DOLECHECK,
KLEIN, J. SMITH, and
SWEENEY

A BILL FOR

1 An Act establishing the right to choose whether to purchase
2 health care.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1130YH (7) 84
av/nh



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House File 2 - Introduced continued

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1 1 Section 1. NEW SECTION. 1.19 Right to choose health care.
1 2 No law shall restrict a person's natural right and power to
1 3 secure the blessings of liberty to choose private health care
1 4 systems or private health care plans. No law shall interfere
1 5 with the right of a person or entity to pay for lawful medical
1 6 services to preserve life or health, and no law shall impose
1 7 a penalty, tax, fee, or fine, of any type, for declining or
1 8 failing to contract for health care coverage or for declining
1 9 or failing to participate in any particular health care
1 10 system or plan, except as required by a court of law where
1 11 an individual or entity is a named party in a legal dispute.
1 12 Nothing in this section shall be construed to expand, limit,
1 13 or otherwise modify any determination of law regarding what
1 14 constitutes lawful medical services within the state of Iowa.

1 15 EXPLANATION

1 16 This bill establishes that the people of Iowa have the right
1 17 to choose private health care systems or private health care
1 18 plans and to purchase lawful medical services. In addition,
1 19 no law shall impose a penalty, tax, fee, or fine on any person
1 20 for declining or failing to participate in any particular
1 21 health care system or plan. The bill shall not be construed to
1 22 expand, limit, or otherwise modify any legal determination of
1 23 what constitutes lawful medical services in Iowa.

LSB 1130YH (7) 84

av/nh



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House File 3 - Introduced

HOUSE FILE

BY HORBACH, JORGENSEN,
DEYOE, FRY, SWEENEY,
HEIN, PAULSEN,
PEARSON, SHAW, MASSIE,
J. SMITH, DE BOEF,
HAGENOW, VANDER
LINDEN, SCHULTE,
WORTHAN, HANUSA,
BYRNES, SODERBERG,
HEATON, HUSEMAN,
RAECKER, PETTENGILL,
KOESTER, L. MILLER,
DOLECHECK, PAUSTIAN,
ALONS, KLEIN, ROGERS,
GRASSLEY, CHAMBERS,
WAGNER, DRAKE,
LOFGREN, SANDS,
UPMEYER, HAGER, and
WINDSCHITL

A BILL FOR

1 An Act providing for the placement of a right-to-work notice on
2 department of economic development materials.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1510YH (8) 84
je/rj



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House File 3 - Introduced continued

PAG LIN

1 1 Section 1. Section 15.108, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 12. Labor relations. To provide
1 4 information relating to the rights of workers and employers in
1 5 the state. To carry out this responsibility, the department
1 6 shall include the phrase, "Iowa is a Right=to=Work State"
1 7 in bold letters on all business recruitment, tourism, and
1 8 promotional literature.

1 9 EXPLANATION
1 10 This bill relates to the promotion of Iowa as a right=to=work
1 11 state. The bill requires the placement of the phrase, "Iowa
1 12 is a Right=to=Work State" on the department of economic
1 13 development's business recruitment, tourism, and promotional
1 14 literature.

LSB 1510YH (8) 84
je/rj



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House File 4 - Introduced

HOUSE FILE

BY WAGNER, HELLAND, L.
MILLER, PAUSTIAN,
KLEIN, ALONS,
SODERBERG, GRASSLEY,
DE BOEF, ANDERSON,
CHAMBERS, PEARSON,
WORTHAN, HAGENOW,
SANDS, HAGER, BYRNES,
and WINDSCHITL

A BILL FOR

1 An Act providing for a reduction in the individual income
2 tax rates and including effective date and applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1482YH (5) 84
tw/sc



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House File 4 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.5, subsection 1, paragraphs a
1 2 through i, Code 2011, are amended to read as follows:
1 3 a. On all taxable income from zero through one thousand
1 4 dollars, ~~thirty-six~~ twenty-eight hundredths of one percent.
1 5 b. On all taxable income exceeding one thousand dollars but
1 6 not exceeding two thousand dollars, ~~seventy-two~~ fifty-seven
1 7 hundredths of one percent.
1 8 c. On all taxable income exceeding two thousand dollars but
1 9 not exceeding four thousand dollars, ~~two one~~ and ~~forty-three~~
1 10 ninety-four hundredths percent.
1 11 d. On all taxable income exceeding four thousand dollars but
1 12 not exceeding nine thousand dollars, ~~four three~~ and ~~one-half~~
1 13 six-tenths percent.
1 14 e. On all taxable income exceeding nine thousand dollars
1 15 but not exceeding fifteen thousand dollars, ~~six four~~ and ~~twelve~~
1 16 eighty-nine hundredths percent.
1 17 f. On all taxable income exceeding fifteen thousand dollars
1 18 but not exceeding twenty thousand dollars, ~~six five~~ and
1 19 ~~forty-eight~~ eighteen hundredths percent.
1 20 g. On all taxable income exceeding twenty thousand dollars
1 21 but not exceeding thirty thousand dollars, ~~six five~~ and
1 22 ~~eight-tenths~~ forty-four hundredths percent.
1 23 h. On all taxable income exceeding thirty thousand dollars
1 24 but not exceeding forty-five thousand dollars, ~~seven six~~ and
1 25 ~~ninety-two~~ thirty-three hundredths percent.
1 26 i. On all taxable income exceeding forty-five thousand
1 27 dollars, ~~eight seven~~ and ~~ninety-eight~~ eighteen hundredths
1 28 percent.
1 29 Sec. 2. EFFECTIVE DATE AND APPLICABILITY. This Act takes
1 30 effect January 1, 2012, and applies to tax years beginning on
1 31 or after that date.
1 32 EXPLANATION
1 33 This bill reduces by approximately 20 percent the tax rate
1 34 for each of the nine tax brackets of the individual income tax.
1 35 The current individual income tax rates range from a low of



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2 1 .36 percent to a high of 8.98 percent. The bill changes these
2 2 rates to a low of .28 percent to a high of 7.18 percent.
2 3 The bill takes effect January 1, 2012, and applies to tax
2 4 years beginning on or after that date.
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tw/sc



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House File 5 - Introduced

HOUSE FILE

BY WINDSCHITL,
BRANDENBURG, HANUSA,
SCHULTZ, CHAMBERS,
ALONS, BAUDLER,
KOESTER, LUKAN,
FORRISTALL, ROGERS, DE
BOEF, HELLAND,
SWEENEY, L. MILLER,
HAGENOW, JORGENSEN,
SODERBERG, HUSEMAN,
UPMEYER, DOLECHECK,
MOORE, ANDERSON,
BYRNES, LOFGREN,
HAGER, DRAKE,
KAUFMANN, DEYOE,
SANDS, PAUSTIAN, and
PAULSEN

A BILL FOR

1 An Act relating to abortions including prohibiting late-term
2 abortions with certain exceptions, providing penalties, and
3 including an effective date provision.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 1155YH (16) 84

pf/nh



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1 1 Section 1. FINDINGS. The general assembly finds all of the
1 2 following:

1 3 1. Abortion can cause serious short-term and long-term
1 4 physical and psychological complications for women including
1 5 but not limited to uterine perforation, uterine scarring,
1 6 cervical perforation or other injury, infection, bleeding,
1 7 hemorrhage, blood clots, failure to actually terminate the
1 8 pregnancy, incomplete abortion or retained tissue, pelvic
1 9 inflammatory disease, endometritis, missed ectopic pregnancy,
1 10 cardiac arrest, respiratory arrest, renal failure, metabolic
1 11 disorder, shock, embolism, coma, placenta previa in subsequent
1 12 pregnancies, preterm delivery in subsequent pregnancies,
1 13 free fluid in the abdomen, organ damage, adverse reactions
1 14 to anesthesia and other drugs, psychological or emotional
1 15 complications such as depression, anxiety, sleeping disorders,
1 16 and death.

1 17 2. Abortion has a higher medical risk when the procedure is
1 18 performed later in the pregnancy. Compared to an abortion at
1 19 eight weeks' gestation or earlier, the relative risk increases
1 20 exponentially at higher gestations. The incidence of major
1 21 complications is highest after twenty weeks of gestation.

1 22 3. The state has a legitimate concern for the public's
1 23 health and safety.

1 24 4. The state has a legitimate interest from the outset
1 25 of pregnancy in protecting the health of the woman. More
1 26 specifically, the state has a legitimate concern with the
1 27 health of women who undergo abortions.

1 28 5. There is substantial evidence that by at least twenty
1 29 weeks after fertilization, an unborn child has the physical
1 30 structures necessary to experience pain.

1 31 6. There is substantial evidence that by twenty weeks
1 32 after fertilization, an unborn child seeks to evade certain
1 33 stimuli in a manner which, in an infant or an adult, would be
1 34 interpreted as a response to pain.

1 35 7. Anesthesia is routinely administered to an unborn child



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2 1 twenty weeks or more after fertilization when the unborn child
2 2 undergoes prenatal surgery.
2 3 8. Even before twenty weeks after fertilization, the unborn
2 4 child has been observed to exhibit hormonal stress responses to
2 5 painful stimuli, and a reduction in such response results when
2 6 pain medication is administered directly to the unborn child.
2 7 9. It is the purpose of the state of Iowa to assert a
2 8 compelling state interest in protecting the unborn child from
2 9 the stage at which substantial medical evidence indicates the
2 10 unborn child is capable of feeling pain.
2 11 Sec. 2. NEW SECTION. 146A.1 Definitions.
2 12 As used in this chapter unless the context otherwise
2 13 requires:
2 14 1. "Abortion" means abortion as defined in section 146.1.
2 15 2. "Attempt to perform or induce an abortion" means an act,
2 16 or an omission of a statutorily required act, that, under the
2 17 circumstances as the actor believes them to be, constitutes a
2 18 substantial step in a course of conduct planned to culminate in
2 19 the performance or inducing of an abortion.
2 20 3. "Department" means the department of public health.
2 21 4. "Fertilization" means the fusion of a human spermatozoon
2 22 with a human ovum.
2 23 5. "Human pregnancy" means an individual organism of the
2 24 species homo sapiens from fertilization until live birth.
2 25 6. "Medical emergency" means a condition which, in
2 26 reasonable medical judgment, so complicates the medical
2 27 condition of a pregnant woman as to necessitate the immediate
2 28 abortion of the human pregnancy to avert the woman's death or
2 29 for which a delay will create a serious risk of substantial and
2 30 irreversible physical impairment of a major bodily function.
2 31 "Medical emergency" does not include a condition which is based
2 32 on a claim or diagnosis that the pregnant woman will engage in
2 33 conduct which would result in the pregnant woman's death or in
2 34 substantial and irreversible physical impairment of a major
2 35 bodily function.



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3 1 7. "Medical facility" means any public or private hospital,
3 2 clinic, center, medical school, medical training institution,
3 3 health care facility, physician's office, infirmary,
3 4 dispensary, ambulatory surgical center, or other institution or
3 5 location where medical care is provided to any person.

3 6 8. "Physician" means a person licensed under chapter 148.

3 7 9. "Postfertilization age" means the age of the human
3 8 pregnancy as calculated from the fertilization of the human
3 9 ovum.

3 10 10. "Probable postfertilization age" means what, in
3 11 reasonable medical judgment, will with reasonable probability
3 12 be the postfertilization age of the human pregnancy at the time
3 13 the abortion is to be performed.

3 14 11. "Reasonable medical judgment" means a medical judgment
3 15 made by a reasonably prudent physician who is knowledgeable
3 16 about the case and the treatment possibilities with respect to
3 17 the medical conditions involved.

3 18 12. "Unborn child" means a human pregnancy in the
3 19 postembryonic stage.

3 20 Sec. 3. NEW SECTION. 146A.2 Determination of
3 21 postfertilization age prior to abortion == abortion prohibited
3 22 at twenty or more weeks postfertilization age == exceptions ==
3 23 reporting requirements == penalties.

3 24 1. Except in the case of a medical emergency, an abortion
3 25 shall not be performed or induced or be attempted to be
3 26 performed or induced unless the physician performing or
3 27 inducing the abortion has first made a determination of the
3 28 probable postfertilization age of the human pregnancy or relied
3 29 upon such a determination made by another physician. In making
3 30 such a determination, a physician shall make such inquiries
3 31 of the pregnant woman and perform or cause to be performed
3 32 such medical examinations and tests the physician considers
3 33 necessary in making a reasonable medical judgment to accurately
3 34 determine the postfertilization age of the human pregnancy.

3 35 2. a. A physician shall not perform or induce or attempt



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4 1 to perform or induce an abortion upon a pregnant woman when it
4 2 has been determined, by the physician performing or inducing
4 3 the abortion or by another physician upon whose determination
4 4 that physician relies, that the probable postfertilization age
4 5 of the human pregnancy is twenty or more weeks unless, in the
4 6 physician's reasonable medical judgment, any of the following
4 7 applies:
4 8 (1) The pregnant woman has a condition which the physician
4 9 deems a medical emergency.
4 10 (2) It is necessary to preserve the life of the unborn
4 11 child.
4 12 b. If an abortion is performed or induced under this
4 13 subsection, the physician shall terminate the human pregnancy
4 14 in the manner which, in the physician's reasonable medical
4 15 judgment, provides the best opportunity for the unborn child
4 16 to survive, unless, in the physician's reasonable medical
4 17 judgment, termination of the human pregnancy in that manner
4 18 would pose a greater risk than any other available method of
4 19 the death of the pregnant woman or of the substantial and
4 20 irreversible physical impairment of a major bodily function.
4 21 A greater risk shall not be deemed to exist if it is based on
4 22 a claim or diagnosis that the pregnant woman will engage in
4 23 conduct which would result in the pregnant woman's death or in
4 24 substantial and irreversible physical impairment of a major
4 25 bodily function.
4 26 3. A physician who performs or induces or attempts to
4 27 perform or induce an abortion shall report to the department,
4 28 on a schedule and in accordance with forms and rules adopted by
4 29 the department, all of the following:
4 30 a. If a determination of probable postfertilization age of
4 31 the human pregnancy was made, the probable postfertilization
4 32 age determined and the method and basis of the determination.
4 33 b. If a determination of probable postfertilization
4 34 age of the human pregnancy was not made, the basis of the
4 35 determination that a medical emergency existed.



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5 1 c. If the probable postfertilization age of the human
5 2 pregnancy was determined to be twenty or more weeks, the basis
5 3 of the determination of a medical emergency.

5 4 d. The method used for the abortion and, in the case of
5 5 an abortion performed when the probable postfertilization age
5 6 was determined to be twenty or more weeks, whether the method
5 7 of abortion used was one that, in the physician's reasonable
5 8 medical judgment, provided the best opportunity for the unborn
5 9 child to survive or, if such a method was not used, the basis
5 10 of the determination that termination of the human pregnancy
5 11 in that manner would pose a greater risk than would any other
5 12 available method of the death of the pregnant woman or of the
5 13 substantial and irreversible physical impairment of a major
5 14 bodily function.

5 15 4. a. By June 30, annually, the department shall issue a
5 16 public report providing statistics for the previous calendar
5 17 year, compiled from the reports for that year submitted in
5 18 accordance with subsection 3. Each report shall also provide
5 19 the statistics for all previous calendar years, adjusted to
5 20 reflect any additional information from late or corrected
5 21 reports. The department shall ensure that none of the
5 22 information included in the public reports could reasonably
5 23 lead to the identification of any woman upon whom an abortion
5 24 was performed.

5 25 b. (1) A physician who fails to submit a report by the end
5 26 of thirty days following the due date shall be subject to a
5 27 late fee of five hundred dollars for each additional thirty=day
5 28 period or portion of a thirty=day period the report is overdue.

5 29 (2) A physician required to report in accordance with
5 30 subsection 3 who has not submitted a report or who has
5 31 submitted only an incomplete report more than one year
5 32 following the due date, may, in an action brought in the
5 33 manner in which actions are brought to enforce chapter 148,
5 34 be directed by a court of competent jurisdiction to submit a
5 35 complete report within a time period stated by court order or



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6 1 be subject to contempt of court.
6 2 (3) A physician who intentionally or recklessly falsifies
6 3 a report required under this section is subject to a civil
6 4 penalty of one hundred dollars.
6 5 5. The department shall adopt rules to implement this
6 6 section.
6 7 Sec. 4. NEW SECTION. 146A.3 Civil and criminal actions ==
6 8 penalties.
6 9 1. Failure of a physician to comply with any provision of
6 10 section 146A.2, with the exception of the late filing of a
6 11 report or failure to submit a complete report in compliance
6 12 with a court order, is grounds for license discipline under
6 13 chapter 148.
6 14 2. A physician who intentionally or recklessly performs or
6 15 attempts to perform an abortion in violation of this chapter is
6 16 guilty of a class "C" felony.
6 17 3. A medical facility licensed in this state in which
6 18 abortions are performed or induced in violation of this chapter
6 19 is subject to immediate revocation of licensure.
6 20 4. A medical facility licensed in this state in which
6 21 abortions are performed or induced in violation of this chapter
6 22 is ineligible to receive state funding and is subject to
6 23 repayment of any state funds received from the state during the
6 24 time after which an abortion in violation of this chapter was
6 25 performed or induced.
6 26 5. A woman upon whom an abortion has been performed in
6 27 violation of this chapter or the biological father may maintain
6 28 an action against the physician who performed the abortion in
6 29 intentional or reckless violation of this chapter for actual
6 30 damages.
6 31 6. A woman upon whom an abortion has been attempted in
6 32 violation of this chapter may maintain an action against the
6 33 physician who attempted to perform the abortion in intentional
6 34 or reckless violation of this chapter for actual damages.
6 35 7. A cause of action for injunctive relief to prevent a



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7 1 physician from performing abortions may be maintained against a
7 2 physician who has intentionally violated this chapter by the
7 3 woman upon whom the abortion was performed or attempted to be
7 4 performed, by the spouse of the woman, by a parent or guardian
7 5 of the woman if the woman is less than eighteen years of age or
7 6 unmarried at the time the abortion was performed or attempted
7 7 to be performed, by a current or former licensed health care
7 8 provider of the woman, by a county attorney with appropriate
7 9 jurisdiction, or by the attorney general.

7 10 8. A woman upon whom an abortion was performed or was
7 11 attempted to be performed shall not be subject to prosecution
7 12 for a violation of this chapter.

7 13 9. If the plaintiff prevails in an action brought under
7 14 this section, the plaintiff shall be entitled to an award for
7 15 reasonable attorney fees.

7 16 10. If the defendant prevails in an action brought under
7 17 this section and the court finds that the plaintiff's suit was
7 18 frivolous and brought in bad faith, the defendant shall be
7 19 entitled to an award for reasonable attorney fees.

7 20 11. Damages and attorney fees shall not be assessed against
7 21 the woman upon whom an abortion was performed or attempted to
7 22 be performed except as provided in subsection 10.

7 23 12. In a civil or criminal proceeding or action brought
7 24 under this chapter, the court shall rule whether the anonymity
7 25 of any woman upon whom an abortion has been performed or
7 26 attempted shall be preserved from public disclosure if the
7 27 woman does not provide consent to such disclosure. The court,
7 28 upon motion or on its own motion, shall make such a ruling
7 29 and, upon determining that the woman's anonymity should be
7 30 preserved, shall issue orders to the parties, witnesses,
7 31 and counsel and shall direct the sealing of the record and
7 32 exclusion of individuals from courtrooms or hearing rooms to
7 33 the extent necessary to safeguard the woman's identity from
7 34 public disclosure. Each such order shall be accompanied by
7 35 specific written findings explaining why the anonymity of the



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8 1 woman should be preserved from public disclosure, why the
8 2 order is essential to that end, how the order is narrowly
8 3 tailored to serve that interest, and why no reasonable less
8 4 restrictive alternative exists. In the absence of written
8 5 consent of the woman upon whom an abortion has been performed
8 6 or attempted, anyone, other than a public official, who brings
8 7 an action under this section shall do so under a pseudonym.
8 8 This subsection shall not be construed to conceal the identity
8 9 of the plaintiff or of witnesses from the defendant or from
8 10 attorneys for the defendant.

8 11 Sec. 5. NEW SECTION. 146A.4 Construction.

8 12 1. Nothing in this chapter shall be construed as creating or
8 13 recognizing a right to an abortion.

8 14 2. Nothing in this chapter shall be construed as determining
8 15 life to begin at twenty weeks' gestation. Instead, it is
8 16 recognized that life begins at conception.

8 17 Sec. 6. NEW SECTION. 146A.5 Severability clause.

8 18 If any provision of this chapter or its application to any
8 19 person or circumstance is held invalid, the invalidity does
8 20 not affect other provisions or application of this chapter
8 21 which can be given effect without the invalid provision or
8 22 application, and to this end the provisions of this chapter are
8 23 severable.

8 24 Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
8 25 immediate importance, takes effect upon enactment.

8 26 EXPLANATION

8 27 This bill relates to abortions. The bill provides findings
8 28 of the general assembly and definitions.

8 29 The bill provides that, except in the case of a medical
8 30 emergency, an abortion shall not be performed or induced
8 31 or be attempted to be performed or induced unless the
8 32 physician performing or inducing the abortion has first made
8 33 a determination of the probable postfertilization age of the
8 34 human pregnancy. Additionally, the bill prohibits a physician
8 35 from performing or inducing or attempting to perform or induce



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9 1 an abortion upon a pregnant woman when it has been determined,
9 2 that the probable postfertilization age is 20 or more weeks
9 3 unless, in the physician's reasonable medical judgment, either
9 4 the pregnant woman has a condition which the physician deems a
9 5 medical emergency or it is necessary to preserve the life of
9 6 the unborn child. If an abortion is performed or induced when
9 7 the probable postfertilization age is 20 or more weeks, the
9 8 physician is required to terminate the pregnancy in a manner
9 9 which, in the physician's reasonable medical judgment, provides
9 10 the best opportunity for the unborn child to survive unless
9 11 such termination would pose a greater risk either of the death
9 12 of the pregnant woman or of the substantial and irreversible
9 13 physical impairment of a major bodily function of the woman
9 14 than would another available method.

9 15 The bill also requires certain reports to be filed by a
9 16 physician who performs or induces or attempts to perform or
9 17 induce an abortion with the department of public health, on
9 18 a schedule and in accordance with forms and rules adopted by
9 19 the department. The department is required to compile the
9 20 information collected annually and issue a public report,
9 21 ensuring that none of the information included in the public
9 22 reports could reasonably lead to the identification of any
9 23 pregnant woman upon whom an abortion was performed. The bill
9 24 provides monetary penalties for a physician who fails to submit
9 25 a report in a timely manner, submits an incomplete report, or
9 26 intentionally or recklessly falsifies a required report.

9 27 The bill provides for civil and criminal actions and
9 28 penalties relating to violations of the bill. Failure of a
9 29 physician to comply with any provision, with the exception of
9 30 the late filing of a report or failure to submit a complete
9 31 report in compliance with a court order, is grounds for license
9 32 discipline. A physician who intentionally or recklessly
9 33 performs or attempts to perform an abortion in violation of the
9 34 bill is guilty of a class "C" felony, which is punishable by
9 35 confinement for no more than 10 years and a fine of at least



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10 1 \$1,000 but not more than \$10,000. The bill also provides that
10 2 a medical facility licensed in the state in which abortions
10 3 are performed or induced in violation of the bill is subject
10 4 to immediate revocation of licensure. Additionally, a
10 5 medical facility licensed in this state in which abortions are
10 6 performed or induced in violation of the bill is ineligible to
10 7 receive state funding and is subject to repayment of any state
10 8 funds received from the state during the time after which an
10 9 abortion in violation of the bill was performed or induced.
10 10 However, the woman upon whom the abortion was performed or was
10 11 attempted to be performed is not subject to prosecution for a
10 12 violation of the bill. The bill provides for the maintaining
10 13 of actions by certain people based on alleged violations of
10 14 the bill. A woman upon whom an abortion has been performed in
10 15 violation of the bill or the biological father may maintain
10 16 an action against the physician who performed the abortion
10 17 in intentional or reckless violation of the bill for actual
10 18 damages. A woman upon whom an abortion has been attempted
10 19 in violation of the bill may maintain an action against the
10 20 physician who attempted to perform the abortion in intentional
10 21 or reckless violation of the bill for actual damages.
10 22 Additionally, a cause of action for injunctive relief to
10 23 prevent a physician from performing abortions may be maintained
10 24 against a physician who has intentionally violated the bill by
10 25 the woman upon whom the abortion was performed or attempted
10 26 to be performed, by the spouse of the woman, by a parent or
10 27 guardian of the woman if the woman is less than 18 years of
10 28 age or unmarried at the time the abortion was performed or
10 29 attempted to be performed, by a current or former licensed
10 30 health care provider of the woman, by a county attorney with
10 31 appropriate jurisdiction, or by the attorney general.
10 32 The bill provides a process for preserving the anonymity of
10 33 the woman upon whom an abortion has been performed or attempted
10 34 from public disclosure if the woman does not provide consent to
10 35 such disclosure during any proceeding or action under the bill.



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11 1 The bill also provides that the bill is not to be construed
11 2 as creating or recognizing a right to an abortion, and the
11 3 bill is not to be construed as determining life to begin at 20
11 4 weeks' gestation; instead, it is recognized that life begins at
11 5 conception.

11 6 The bill includes a severability clause as is applicable to
11 7 every Act or statute pursuant to Code section 4.12.

11 8 The bill takes effect upon enactment.

LSB 1155YH (16) 84

pf/nh



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HOUSE FILE

BY COWNIE, GRASSLEY,
ALONS, SODERBERG,
HAGER, ROGERS, VANDER
LINDEN, PAUSTIAN, S.
OLSON, SANDS,
CHAMBERS, HEATON,
PETTENGILL, RAECKER,
L. MILLER, FORRISTALL,
GARRETT, LOFGREN,
MOORE, DOLECHECK,
HANUSA, HUSEMAN, DE
BOEF, DRAKE, DEYOE,
PEARSON, HAGENOW,
KOESTER, KAUFMANN,
WINDSCHITL, KLEIN,
FRY, WAGNER, WORTHAN,
BYRNES, JORGENSEN,
HELLAND, J. SMITH, and
BALTIMORE

A BILL FOR

1 An Act requiring the development of a searchable budget
2 database and internet site for the public to access the
3 details of the expenditure of state tax revenues and a
4 searchable tax rate database and internet site for the
5 public to access the details of each tax rate for all taxing
6 districts in the state.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1559YH (5) 84
tw/sc



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House File 6 - Introduced continued

PAG LIN

1 1 Section 1. Section 8.6, Code 2011, is amended by adding the
1 2 following new subsection:

1 3 NEW SUBSECTION. 9A. Budget and tax rate databases. To
1 4 develop and make available to the public a searchable budget
1 5 database and internet site as required under chapter 8G,
1 6 division I, and to develop and make available to the public
1 7 a searchable tax rate database and internet site as required
1 8 under chapter 8G, division II.

1 9 Sec. 2. NEW SECTION. 8G.1 Intent ==== findings.

1 10 The general assembly finds that taxpayers should be able to
1 11 easily access the details on how the state is spending their
1 12 tax dollars and the performance results achieved for those
1 13 expenditures. Therefore, it is the intent of the general
1 14 assembly to direct the department of management to create
1 15 and maintain a searchable budget database and internet site
1 16 detailing where tax dollars are expended, the purposes for
1 17 which tax dollars are expended, and the results achieved for
1 18 all taxpayer investments in state government.

1 19 Sec. 3. NEW SECTION. 8G.2 Short title.

1 20 This subchapter shall be known as and may be cited as the
1 21 "Taxpayer Transparency Act".

1 22 Sec. 4. NEW SECTION. 8G.3 Definitions.

1 23 As used in this subchapter, unless the context otherwise
1 24 requires:

1 25 1. "Agency" means a state department, office, board,
1 26 commission, bureau, division, institution, or public
1 27 institution of higher education. "Agency" includes individual
1 28 state agencies and programs, as well as those programs and
1 29 activities that are administered by or involve more than one
1 30 agency. "Agency" includes all elective offices in the executive
1 31 branch of government and the general assembly.

1 32 2. "Director" means the director of the department of
1 33 management.

1 34 3. "Entity" or "recipients" means any of the following:

1 35 a. A corporation.



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House File 6 - Introduced continued

2 1 b. An association.
2 2 c. An employee union.
2 3 d. A limited liability company.
2 4 e. A limited liability partnership.
2 5 f. Any other legal business entity, including nonprofit
2 6 entities.
2 7 g. A grant recipient.
2 8 h. Contractors.
2 9 i. A county, city, school district, or other local
2 10 government entity.
2 11 "Entity" or "recipients" does not include an individual
2 12 recipient of state assistance.
2 13 4. "Funding action or expenditure" includes details on the
2 14 type of spending that is provided including but not limited
2 15 to grants, contracts, and appropriations. "Funding action
2 16 or expenditure" includes tax exemptions or credits. Where
2 17 possible, an electronic link to the actual grants or contracts
2 18 shall be provided. An electronic link shall be in a format
2 19 that is a searchable document.
2 20 5. "Funding source" means the state account or fund from
2 21 which the expenditure is appropriated.
2 22 6. "Searchable internet site" means an internet site
2 23 that allows the public at no cost to search and compile the
2 24 information identified in section 8G.4 and that provides such
2 25 information in a format capable of being downloaded from the
2 26 site to personal computers.
2 27 7. "State audit or report" shall include any audit or report
2 28 issued by the auditor of state, department of management,
2 29 legislative services agency, legislative committee, or
2 30 executive body relating to the entity or recipient of funds,
2 31 the budget program or activity, or agency.
2 32 Sec. 5. NEW SECTION. 8G.4 Searchable budget database
2 33 internet site created.
2 34 1. By January 1, 2013, the director shall develop and make
2 35 publicly available a database internet site for searching,



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3 1 accessing, and processing data, including the data required in
3 2 this section, for the most recent state budget. The internet
3 3 site shall be developed in such a way that the information can
3 4 be provided to other software applications, including internet
3 5 software applications, in a manner and format that allows such
3 6 software applications to access and interpret the data using
3 7 the internal programming of the software applications.
3 8 2. The searchable internet site developed pursuant to this
3 9 section shall allow the public at no cost to search and compile
3 10 information for all of the following:
3 11 a. Name and principal location or residence of the entity or
3 12 recipient of state funds.
3 13 b. Amount of state funds expended.
3 14 c. Funding or expending agency.
3 15 d. Funding source of the revenue expended.
3 16 e. Budget program or activity of the expenditure.
3 17 f. Descriptive purpose for the funding action or
3 18 expenditure.
3 19 g. Expected performance outcome for the funding action or
3 20 expenditure.
3 21 h. Past performance outcomes achieved for the funding action
3 22 or expenditure.
3 23 i. State audit or report relating to the entity or recipient
3 24 of state funds or the budget program or activity or agency.
3 25 j. Any other relevant information specified by the director.
3 26 Sec. 6. NEW SECTION. 8G.5 Internet site updates.
3 27 1. Effective July 1, 2013, the internet site shall be
3 28 updated for each fiscal year not later than thirty days
3 29 following the close of the fiscal year. In addition, the
3 30 director may update the internet site as new data becomes
3 31 available. All agencies shall provide to the director data
3 32 that is required to be included on the internet site not later
3 33 than thirty days after the data becomes available to the
3 34 agency. The director shall provide guidance to agency heads
3 35 or the governing body of an agency to ensure compliance with



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4 1 this section.

4 2 2. By January 1, 2014, the director shall add data for
4 3 the previous budgets to the internet site. Data for previous
4 4 fiscal years may be added as it becomes available and as time
4 5 permits. The director shall ensure that all data added to the
4 6 internet site remain accessible to the public for a minimum of
4 7 ten years.

4 8 Sec. 7. NEW SECTION. 8G.6 Noncompliance.

4 9 The director shall not be considered in compliance with this
4 10 subchapter if the data required for the internet site is not
4 11 available in a searchable manner and capable of being compiled
4 12 or if the public is redirected to other government internet
4 13 sites unless each of those sites displays information from
4 14 all agencies and each category of information required can be
4 15 searched electronically by field in a single search.

4 16 Sec. 8. NEW SECTION. 8G.10 Intent === findings.

4 17 The general assembly finds that increasing the ease of
4 18 public access to state and local tax rates, particularly
4 19 where the rates are currently available from disparate
4 20 government sources and are difficult for the public to collect
4 21 and efficiently aggregate, significantly contributes to
4 22 governmental accountability, public participation, and the
4 23 understanding of the cost of government services. Therefore,
4 24 it is the intent of the general assembly to direct the
4 25 department of management, in consultation with the department
4 26 of revenue, to create and maintain a searchable database and
4 27 internet site of each tax rate for all taxing districts in the
4 28 state to make citizen access to state and local tax rates as
4 29 open, transparent, and publicly accessible as is feasible.

4 30 Sec. 9. NEW SECTION. 8G.11 Short title.

4 31 This subchapter shall be known and cited as the "Taxation
4 32 Disclosure Act".

4 33 Sec. 10. NEW SECTION. 8G.12 Tax rate database.

4 34 1. Searchable tax rate database. By January 1, 2012, the
4 35 department of management, in consultation with the department



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House File 6 - Introduced continued

5 1 of revenue, shall make publicly available on an internet site
5 2 a searchable database of all tax rates in the state for each
5 3 taxing jurisdiction. The information shall be aggregated by
5 4 type of tax and accessible by entering a zip code or physical
5 5 address for each residency or business. Individual tax levies
5 6 shall be further specified within each tax rate.

5 7 2. Geographical tax rate map. In addition to searching for
5 8 tax rates by zip code or physical address for each residency or
5 9 business, searches shall be accommodated by a geographical tax
5 10 rate map of the state that is capable of being displayed with a
5 11 level of specificity corresponding to each taxing district.

5 12 3. Individual tax rate calculator. Tax rate calculators
5 13 shall be provided on the searchable database to allow citizens
5 14 and businesses to calculate taxes based on the location of the
5 15 citizen or business. Calculation capability shall be provided
5 16 at a minimum for property, sales, use, income, vehicle, and
5 17 business taxes and shall be specific to the rate for the taxing
5 18 district identified by the citizen or business.

5 19 Sec. 11. NEW SECTION. 8G.13 Updating database.

5 20 To facilitate the department of management's efforts in
5 21 creating and maintaining a searchable database of the taxes
5 22 identified in section 8G.12, subsection 3, for all taxing
5 23 districts in the state, every taxing district shall report its
5 24 tax rates annually to the department of management and shall
5 25 report any changes to its tax rates within thirty days of the
5 26 change.

5 27 EXPLANATION

5 28 This bill enacts new Code chapter 8G which is divided
5 29 into two separate subchapters. The first subchapter (new
5 30 Code sections 8G.1 through 8G.6), requires the department of
5 31 management to develop and make available to the public by
5 32 January 1, 2013, a single, searchable budget database and
5 33 internet site. This internet site would allow the public at
5 34 no cost to search an aggregated database that would provide
5 35 the names and principal location or residence of recipients of



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6 1 state funds, amount of funds expended, the agency that provided
6 2 those funds, the program or activity of the expenditure,
6 3 description of the purpose of the expenditure, expected and
6 4 past outcomes of funding actions or expenditures, state audits
6 5 relating to expenditures, and other relevant information. The
6 6 bill specifies that "recipient" does not include an individual
6 7 recipient of state assistance.

6 8 The bill provides that, effective July 1, 2013, the
6 9 searchable budget database internet site is to be updated
6 10 within 30 days of the end of each fiscal year. By January 1,
6 11 2014, data is to be added for previous fiscal years.

6 12 The second subchapter requires the department of management,
6 13 in consultation with the department of revenue, by January 1,
6 14 2012, to develop and operate on an internet site a searchable
6 15 database of all the tax rates in the state for each taxing
6 16 district. The database shall include the capability to
6 17 calculate tax rates for different taxing districts.

LSB 1559YH (5) 84

tw/sc



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House File 7 - Introduced

HOUSE FILE

BY WINDSCHITL, DOLECHECK,
DEYOE, SCHULTE,
SODERBERG, L. MILLER,
FRY, HUSEMAN,
RASMUSSEN, ALONS, DE
BOEF, KLEIN, HAGER,
DRAKE, LOFGREN,
SWEENEY, SANDS, LUKAN,
HELLAND, BYRNES,
BRANDENBURG, CHAMBERS,
KAUFMANN, WATTS,
SCHULTZ, HAGENOW,
UPMEYER, PAUSTIAN, and
ROGERS

A BILL FOR

1 An Act relating to the justifiable use of reasonable force and
2 providing a remedy.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1456YH (6) 84
jm/rj



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House File 7 - Introduced continued

PAG LIN

1 1 Section 1. Section 704.1, Code 2011, is amended to read as
1 2 follows:

1 3 704.1 Reasonable force.

1 4 1. "Reasonable force" ~~is~~ means that force and no more
1 5 which a reasonable person, in like circumstances, would judge
1 6 to be necessary to prevent an injury or loss and can include
1 7 deadly force if it is reasonable to believe that such force is
1 8 necessary to avoid injury or risk to one's life or safety or
1 9 the life or safety of another, or it is reasonable to believe
1 10 that such force is necessary to resist a like force or threat.

1 11 2. Reasonable force, including deadly force, may be used
1 12 ~~even if an alternative course of action is available if the~~
~~1 13 alternative entails a risk to life or safety, or the life or~~
~~1 14 safety of a third party, or requires one to abandon or retreat~~
~~1 15 from one's dwelling or place of business or employment, and~~
1 16 a person has no duty to retreat from any place at which the
1 17 person has a right to be present, and has the right to stand
1 18 the person's ground, and meet force with force, if the person
1 19 believes reasonable force, including deadly force, is necessary
1 20 under the circumstances to prevent death or serious injury to
1 21 oneself or a third party, or to prevent the commission of a
1 22 forcible felony.

1 23 Sec. 2. NEW SECTION. 704.4A Immunity.

1 24 1. A person who uses reasonable force shall be immune from
1 25 any criminal prosecution or civil action for using such force,
1 26 unless the person against whom such force is used is a peace
1 27 officer acting within the scope of the officer's duties and the
1 28 peace officer discloses the officer's identity, or the person
1 29 knows or reasonably should know that the person is a peace
1 30 officer.

1 31 2. A law enforcement agency may use standard investigating
1 32 procedures for investigating the use of force, but the law
1 33 enforcement agency shall not arrest a person for using force
1 34 unless the law enforcement agency determines there is probable
1 35 cause that the force was unlawful under this chapter.



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2 1 3. If it is later determined by a court or jury that
2 2 the person was justified in using reasonable force under
2 3 the circumstances, and the person is found not liable in a
2 4 civil court, the person shall be awarded reasonable attorney
2 5 fees, court costs, compensation for loss of any income, and
2 6 reimbursement of any other expenses incurred as a result of
2 7 being arrested and charged, to be paid by the civil plaintiff.

2 8 EXPLANATION

2 9 This bill relates to the justifiable use of reasonable
2 10 force.

2 11 The bill provides that a person may use reasonable force,
2 12 including deadly force, and a person has no duty to retreat
2 13 from any place at which the person has a right to be present,
2 14 and has a right to stand the person's ground, and meet force
2 15 with force, if the person believes reasonable force, including
2 16 deadly force, is necessary under the circumstances to prevent
2 17 death or serious injury to oneself or a third party, or to
2 18 prevent the commission of a forcible felony.

2 19 Current law provides that a person may use reasonable force,
2 20 including deadly force, even if an alternative course of action
2 21 is available if the alternative entails a risk of life or
2 22 safety, or the life or safety of a third party, or requires one
2 23 to abandon or retreat from one's residence or place of business
2 24 or employment.

2 25 The bill also provides that a person who uses reasonable
2 26 force shall be immune from any criminal prosecution or civil
2 27 action for using such force, unless the person against whom
2 28 such force is used is a peace officer acting within the scope
2 29 of the officer's duties and the peace officer discloses the
2 30 officer's identity, or the person knows or reasonably should
2 31 know that the person is a peace officer.

2 32 Under the bill, a law enforcement agency shall not arrest a
2 33 person for using force unless it determines there is probable
2 34 cause that the force was unlawful under Code chapter 704.

2 35 The bill also provides that if a court or jury finds a person



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3 1 justified in using reasonable force under the circumstances,
3 2 and the person is found not liable in a civil court, the
3 3 person shall be awarded reasonable attorney fees, court costs,
3 4 compensation for loss of any income, and reimbursement of any
3 5 other expenses incurred as a result of being arrested and
3 6 charged, to be paid by the civil plaintiff.

LSB 1456YH (6) 84

jm/rj



Iowa General Assembly
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House File 8 - Introduced

HOUSE FILE

BY COWNIE, ALONS,
ANDERSON, BALTIMORE,
BRANDENBURG, CHAMBERS,
DE BOEF, DEYOE,
DOLECHECK, FORRISTALL,
FRY, GARRETT, HAGENOW,
HELLAND, HUSEMAN,
JORGENSEN, LOFGREN, L.
MILLER, S. OLSON,
PAUSTIAN, PEARSON,
PETTENGILL, RAECKER,
RASMUSSEN, ROGERS,
SANDS, SCHULTE,
IVERSON, J. SMITH,
SWEENEY, J. TAYLOR,
TJEPKES, UPMAYER,
VANDER LINDEN, WATTS,
WINDSCHITL, WORTHAN,
GRASSLEY, SODERBERG,
HAGER, HEATON, MOORE,
LUKAN, KLEIN, HANUSA,
BYRNES, KOESTER,
WAGNER, and DRAKE

A BILL FOR

1 An Act establishing a requirement for voters to provide certain
2 identification when voting in person at the polling place.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSE 1214YH (13) 84
sc/nh



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January 11, 2011

House File 8 - Introduced continued

PAG LIN

1 1 Section 1. Section 48A.7A, subsection 1, paragraph a, Code
1 2 2011, is amended to read as follows:

1 3 a. A person who is eligible to register to vote and to
1 4 vote may register on election day by appearing in person at
1 5 the polling place for the precinct in which the individual
1 6 resides and completing a voter registration application, making
1 7 written oath, and providing proof of ~~identity and residence~~
~~1 8 identification pursuant to section 49.77, subsection 3.~~

1 9 Sec. 2. Section 48A.7A, subsection 1, paragraphs b and c,
1 10 Code 2011, are amended by striking the paragraphs.

1 11 Sec. 3. Section 48A.7A, subsections 2 and 3, Code 2011, are
1 12 amended to read as follows:

1 13 2. The oath required in subsection 1, paragraph "a", ~~and in~~
~~1 14 paragraph "c", if applicable,~~ shall be attached to the voter
1 15 registration application.

1 16 3. At any time before election day, and after the deadline
1 17 for registration in section 48A.9, a person who appears in
1 18 person at the commissioner's office or at a satellite absentee
1 19 voting station or whose ballot is delivered to a health care
1 20 facility pursuant to section 53.22 may register to vote and
1 21 vote an absentee ballot by following the procedure in this
1 22 section for registering to vote on election day. A person who
1 23 wishes to vote in person at the polling place on election day
1 24 and who has not registered to vote before the deadline for
1 25 registering in section 48A.9, is required to register to vote
1 26 at the polling place on election day following the procedure
1 27 in this section. However, the person may complete the voter
1 28 registration application at the commissioner's office and,
1 29 after the commissioner has reviewed the completed application,
1 30 may present the application to the appropriate precinct
1 31 election official along with proof of ~~identity and residency~~
~~1 32 identification.~~

1 33 Sec. 4. Section 48A.7A, subsection 4, paragraph b, Code
1 34 2011, is amended by striking the paragraph.

1 35 Sec. 5. Section 48A.8, Code 2011, is amended by striking the



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2 1 section and inserting in lieu thereof the following:

2 2 48A.8 Registration by mail.

2 3 An eligible elector may register to vote by completing a
2 4 mail registration form. The completed form may be mailed or
2 5 delivered by the registrant or the registrant's designee to
2 6 the commissioner in the county where the person resides. A
2 7 separate registration form shall be signed by each individual
2 8 registrant.

2 9 Sec. 6. Section 48A.25A, subsection 1, paragraph a, Code
2 10 2011, is amended to read as follows:

2 11 a. Upon receipt of an application for voter registration,
2 12 the commissioner of registration shall compare the Iowa
2 13 driver's license number, the Iowa nonoperator's identification
2 14 card number, or the last four numerals of the social security
2 15 number provided by the registrant with the records of the
2 16 state department of transportation. To be verified, the
2 17 voter registration record shall contain the same name,
2 18 date of birth, and Iowa driver's license number or Iowa
2 19 nonoperator's identification card number or whole or partial
2 20 social security number as the records of the state department
2 21 of transportation. If the information cannot be verified, the
2 22 application shall be recorded and the status of the voter's
2 23 record shall be designated as pending status. ~~The commissioner~~
~~2 24 of registration shall notify the applicant that the applicant~~
~~2 25 is required to present identification described in section~~
~~2 26 48A.8, subsection 2, before voting for the first time in the~~
~~2 27 county.~~ If the information can be verified, a record shall be
2 28 made of the verification and the status of the voter's record
2 29 shall be designated as active status.

2 30 Sec. 7. Section 48A.26, Code 2011, is amended by adding the
2 31 following new subsection:

2 32 NEW SUBSECTION. 10. An acknowledgment mailed pursuant
2 33 to subsection 2 or 4 shall include a statement informing the
2 34 registered voter that the voter is required to show proof of
2 35 identification as provided in section 49.77 before the person



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3 1 will be allowed to vote.

3 2 Sec. 8. Section 48A.27, subsection 4, paragraph c,
3 3 subparagraph (2), Code 2011, is amended to read as follows:

3 4 (2) The notice shall contain a statement in substantially
3 5 the following form:

3 6 Information received from the United States postal service
3 7 indicates that you are no longer a resident of, and therefore
3 8 not eligible to vote in (name of county) County, Iowa. If this
3 9 information is not correct, and you still live in (name of
3 10 county) County, please complete and mail the attached postage
3 11 paid card at least ten days before the primary or general
3 12 election and at least eleven days before any other election at
3 13 which you wish to vote. If the information is correct and you
3 14 have moved, please contact a local official in your new area
3 15 for assistance in registering there. ~~If you do not mail in~~

~~3 16 the card, you may be required to show identification before~~
~~3 17 being allowed to vote in (name of county) County.~~ If you do not
3 18 return the card, and you do not vote in an election in (name
3 19 of county) County, Iowa, on or before (date of second general
3 20 election following the date of the notice) your name will be
3 21 removed from the list of voters in that county.

3 22 Sec. 9. Section 48A.29, subsection 1, paragraph b, Code
3 23 2011, is amended to read as follows:

3 24 b. The notice shall contain a statement in substantially the
3 25 following form:

3 26 Information received from the United States postal service
3 27 indicates that you are no longer a resident of (residence
3 28 address) in (name of county) County, Iowa. If this information
3 29 is not correct, and you still live in (name of county) County,
3 30 please complete and mail the attached postage paid card at
3 31 least ten days before the primary or general election and at
3 32 least eleven days before any other election at which you wish
3 33 to vote. If the information is correct, and you have moved,
3 34 please contact a local official in your new area for assistance
3 35 in registering there. ~~If you do not mail in the card, you may~~



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~~4 1 be required to show identification before being allowed to vote~~
~~4 2 in (name of county) County. If you do not return the card, and~~
4 3 you do not vote in some election in (name of county) County,
4 4 Iowa, on or before (date of second general election following
4 5 the date of the notice) your name will be removed from the list
4 6 of voters in that county.
4 7 Sec. 10. Section 48A.29, subsection 3, paragraph b, Code
4 8 2011, is amended to read as follows:
4 9 b. The notice shall contain a statement in substantially the
4 10 following form:
4 11 Information received by this office indicates that you are no
4 12 longer a resident of (residence address) in (name of county)
4 13 County, Iowa. If the information is not correct, and you still
4 14 live at that address, please complete and mail the attached
4 15 postage paid card at least ten days before the primary or
4 16 general election and at least eleven days before any other
4 17 election at which you wish to vote. If the information is
4 18 correct, and you have moved within the county, you may update
4 19 your registration by listing your new address on the card and
4 20 mailing it back. If you have moved outside the county, please
4 21 contact a local official in your new area for assistance in
4 22 registering there. ~~If you do not mail in the card, you may be~~
~~4 23 required to show identification before being allowed to vote in~~
~~4 24 (name of county) County. If you do not return the card, and you~~
4 25 do not vote in some election in (name of county) County, Iowa,
4 26 on or before (date of second general election following the
4 27 date of the notice) your name will be removed from the list of
4 28 registered voters in that county.
4 29 Sec. 11. Section 48A.37, subsection 2, Code 2011, is amended
4 30 to read as follows:
4 31 2. Electronic records shall include a status code
4 32 designating whether the records are active, inactive,
4 33 incomplete, pending, or canceled. Inactive records are records
4 34 of registered voters to whom notices have been sent pursuant
4 35 to section 48A.28, subsection 3, and who have not returned



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5 1 the card or otherwise responded to the notice, and those
5 2 records have been designated inactive pursuant to section
5 3 48A.29. Inactive records are also records of registered
5 4 voters to whom notices have been sent pursuant to section
5 5 48A.26A and who have not responded to the notice. Incomplete
5 6 records are records missing required information pursuant to
5 7 section 48A.11, subsection 8. Pending records are records of
5 8 applicants whose applications have not been verified pursuant
5 9 to section 48A.25A. Canceled records are records that have
5 10 been canceled pursuant to section 48A.30. All other records
5 11 are active records. An inactive record shall be made active
5 12 when the registered voter requests an absentee ballot, votes
5 13 at an election, registers again, or reports a change of name,
5 14 address, telephone number, or political party or organization
5 15 affiliation. An incomplete record shall be made active when
5 16 a completed application is received from the applicant and
5 17 verified pursuant to section 48A.25A. A pending record shall
5 18 be made active upon verification ~~or upon the voter providing~~
~~5 19 identification pursuant to section 48A.8.~~

5 20 Sec. 12. Section 49.77, subsection 3, Code 2011, is amended
5 21 by striking the subsection and inserting in lieu thereof the
5 22 following:

5 23 3. a. A precinct election official shall require the voter
5 24 to produce for inspection proof of identification before being
5 25 allowed to vote.

5 26 b. For purposes of this section, "proof of identification"
5 27 refers to a document that satisfies all of the following:

5 28 (1) The document shows the name of the individual to whom
5 29 the document was issued which shall conform to the name on the
5 30 election register.

5 31 (2) The document shows a photograph of the individual to
5 32 whom it was issued.

5 33 (3) The document contains an expiration date that has
5 34 not passed as of the date of the election for which proof of
5 35 identification is required.



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6 1 (4) The document was issued by the government of the United
6 2 States or the state of Iowa.

6 3 c. If a voter is unable or refuses to present proof of
6 4 identification or the precinct election official determines
6 5 the proof of identification provided by the voter does not
6 6 qualify as proof of identification under paragraph "b",
6 7 the precinct election official shall challenge the voter as
6 8 provided in section 49.80. If the voter is challenged under
6 9 this paragraph, the voter shall be offered the option to vote a
6 10 ballot, but only in accordance with section 49.81.

6 11 Sec. 13. Section 49.77, Code 2011, is amended by adding the
6 12 following new subsection:

6 13 NEW SUBSECTION. 3A. If proof of identification is
6 14 established under subsection 3 to the satisfaction of the
6 15 precinct election officials, the person may then be allowed to
6 16 vote.

6 17 Sec. 14. Section 49.77, subsection 4, paragraphs a and b,
6 18 Code 2011, are amended to read as follows:

6 19 a. A person whose name does not appear on the election
6 20 register of the precinct in which that person claims the right
6 21 to vote shall not be permitted to vote, unless the person
6 22 affirms that the person is currently registered in the county
6 23 and presents proof of ~~identity~~ identification pursuant to
6 24 subsection 3, or the commissioner informs the precinct election
6 25 officials that an error has occurred and that the person is a
6 26 registered voter of that precinct. If the commissioner finds
6 27 no record of the person's registration but the person insists
6 28 that the person is a registered voter of that precinct, the
6 29 precinct election officials shall allow the person to cast a
6 30 ballot in the manner prescribed by section 49.81.

6 31 b. If the voter informs the precinct election official that
6 32 the voter resides in the precinct and is not registered to
6 33 vote, the voter may register to vote pursuant to section 48A.7A
6 34 and cast a ballot. ~~If such a voter is unable to establish~~
~~6 35 identity and residency in the manner provided in section~~



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~~7 1 48A.7A, subsection 1, paragraph "b" or "c", the voter shall be~~
~~7 2 allowed to cast a ballot in the manner prescribed by section~~
~~7 3 49.81.~~
7 4 Sec. 15. Section 49.79, subsection 2, Code 2011, is amended
7 5 by adding the following new paragraph:
7 6 NEW PARAGRAPH. h. The challenged person was unable or
7 7 refused to provide proof of identification, or provided
7 8 insufficient proof of identification, pursuant to section
7 9 49.77, subsection 3.
7 10 Sec. 16. Section 49.81, subsection 1, Code 2011, is amended
7 11 to read as follows:
7 12 1. A prospective voter who is prohibited under ~~section~~
~~7 13 48A.8, subsection 4, section 49.77, subsection 3 or 4, section~~
7 14 49.80, or section 53.19, subsection 3, from voting except under
7 15 this section shall be notified by the appropriate precinct
7 16 election official that the voter may cast a provisional
7 17 ballot. The voter shall mark the ballot and immediately
7 18 seal it in an envelope of the type prescribed by subsection
7 19 4. The voter shall deliver the sealed envelope to a precinct
7 20 election official who shall deposit it in an envelope marked
7 21 "provisional ballots". The ballot shall be considered as
7 22 having been cast in the special precinct established by section
7 23 53.20 for purposes of the postelection canvass.
7 24 Sec. 17. Section 49.81, subsection 2, paragraph b, Code
7 25 2011, is amended to read as follows:
7 26 b. If the person is casting a provisional ballot because the
7 27 person ~~failed~~ was unable or refused to provide a required form
~~7 28 proof of identification under section 49.77, subsection 3, a~~
7 29 list of the types of acceptable identification and notification
7 30 that the person must show identification or execute an
7 31 affidavit pursuant to subsection 5 before the ballot can be
7 32 counted.
7 33 Sec. 18. Section 49.81, Code 2011, is amended by adding the
7 34 following new subsection:
7 35 NEW SUBSECTION. 5. a. If a voter casts a provisional



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8 1 ballot pursuant to section 49.77, subsection 3, the precinct
8 2 election official shall indicate on the provisional ballot
8 3 envelope that the voter was challenged for the voter's
8 4 inability or refusal to provide proof of identification.
8 5 b. No later than the Monday following the election, a voter
8 6 challenged pursuant to section 49.77, subsection 3, paragraph
8 7 "c", shall appear before the absentee ballot and special voters
8 8 precinct election board and execute an affidavit in the form
8 9 prescribed by the state commissioner, affirming that the voter
8 10 is the same individual who personally appeared before the
8 11 precinct election board and cast the provisional ballot on
8 12 election day and further affirming either of the following:
8 13 (1) The voter is indigent and unable to obtain proof of
8 14 identification without the payment of a fee.
8 15 (2) The voter has a religious objection to being
8 16 photographed.
8 17 c. If the board determines that the voter has been
8 18 challenged solely for the inability or refusal of the voter to
8 19 provide proof of identification, the board shall find that the
8 20 provisional ballot is valid and direct that it be counted.
8 21 Sec. 19. Section 53.38, Code 2011, is amended to read as
8 22 follows:
8 23 53.38 What constitutes registration.
8 24 Whenever a ballot is requested pursuant to section 53.39 or
8 25 53.45 on behalf of a voter in the armed forces of the United
8 26 States, the affidavit upon the affidavit envelope of such
8 27 voter, if the voter is found to be an eligible elector of the
8 28 county to which the ballot is submitted, shall constitute
8 29 a sufficient registration under chapter 48A. A completed
8 30 federal postcard registration and federal absentee ballot
8 31 request form submitted by such eligible elector shall also
8 32 constitute a sufficient registration under chapter 48A. The
8 33 commissioner shall place the voter's name on the registration
8 34 record as a registered voter if it does not already appear
8 35 there. The ~~identification requirements of section 48A.8 and~~



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1 the verification requirements of section 48A.25A do not apply
2 to persons who register to vote under this division.
3 EXPLANATION
4 This bill requires that all voters show proof of
5 identification, as defined in the bill, before being allowed to
6 vote at the polls.
7 The bill allows a voter to cast a provisional ballot in
8 certain circumstances where the voter is unable to provide or
9 refuses to provide the required proof of identification. If
10 a voter casts a provisional ballot for this reason, the voter
11 has until the Monday following the election to appear before
12 the absentee ballot and special voters precinct election board
13 to execute an affidavit.
14 The bill amends Code section 48A.7A, relating to election
15 day and in-person absentee voter registration, to require that
16 the forms of identification necessary to register in this
17 manner are the same forms of proof of identification necessary
18 to vote. The Code section is also amended to strike the
19 provision allowing another registered voter to sign an oath
20 affirming a registrant's identity and residency.
21 The bill makes corresponding amendments regarding
22 identification requirements for certain persons who register to
23 vote by mail and for registered voters who do not respond to a
24 confirmation card sent by the county commissioner of elections.

LSB 1214YH (13) 84
sc/nh



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HOUSE FILE

BY SANDS, HAGENOW, J.
SMITH, KAUFMANN,
SCHULTE, FRY, S.
OLSON, JORGENSEN,
WORTHAN, HELLAND,
HANUSA, HUSEMAN,
WAGNER, SODERBERG,
PAUSTIAN, GRASSLEY,
CHAMBERS, RAECKER,
ALONS, DEYOE, DRAKE,
BYRNES, PEARSON,
HAGER, LOFGREN, and
WINDSCHITL

A BILL FOR

1 An Act relating to property taxation and local government
2 and school financing by increasing the regular program
3 foundation base, establishing local government financing
4 requirements for essential services, establishing a method
5 for determining property assessment limitations, and
6 including retroactive and other applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1484YH (6) 84
md/sc



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1 1 DIVISION I
1 2 EDUCATION FINANCE
1 3 Section 1. Section 257.1, subsection 2, paragraph b, Code
1 4 2011, is amended by striking the paragraph and inserting in
1 5 lieu thereof the following:
1 6 b. (1) The regular program foundation base per pupil is the
1 7 following:
1 8 (a) For the budget year commencing July 1, 2011, the
1 9 regular program foundation base per pupil is eighty=seven and
1 10 five=tenths percent of the regular program state cost per
1 11 pupil.
1 12 (b) For the budget year commencing July 1, 2012, the
1 13 regular program foundation base per pupil is eighty=nine and
1 14 twenty=eight hundredths percent of the regular program state
1 15 cost per pupil.
1 16 (c) For the budget year commencing July 1, 2013, the
1 17 regular program foundation base per pupil is ninety=one and six
1 18 hundredths percent of the regular program state cost per pupil.
1 19 (d) For the budget year commencing July 1, 2014, the regular
1 20 program foundation base per pupil is ninety=two and eighty=four
1 21 hundredths percent of the regular program state cost per pupil.
1 22 (e) For the budget year commencing July 1, 2015, the regular
1 23 program foundation base per pupil is ninety=four and sixty=two
1 24 hundredths percent of the regular program state cost per pupil.
1 25 (f) For the budget year commencing July 1, 2016, the regular
1 26 program foundation base per pupil is ninety=six and forty
1 27 hundredths percent of the regular program state cost per pupil.
1 28 (g) For the budget year commencing July 1, 2017, the regular
1 29 program foundation base per pupil is ninety=eight and eighteen
1 30 hundredths percent of the regular program state cost per pupil.
1 31 (h) For the budget year commencing July 1, 2018, and
1 32 succeeding budget years, the regular program foundation base
1 33 per pupil is one hundred percent of the regular program state
1 34 cost per pupil.
1 35 (2) For each budget year, the special education support



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2 1 services foundation base is seventy=nine percent of the special
2 2 education support services state cost per pupil. The combined
2 3 foundation base is the sum of the regular program foundation
2 4 base, the special education support services foundation base,
2 5 the total teacher salary supplement district cost, the total
2 6 professional development supplement district cost, the total
2 7 early intervention supplement district cost, the total area
2 8 education agency teacher salary supplement district cost,
2 9 and the total area education agency professional development
2 10 supplement district cost.

2 11 DIVISION II

2 12 LOCAL GOVERNMENT ESSENTIAL SERVICES

2 13 Sec. 2. NEW SECTION. 331.437A Essential services ====
2 14 funding.

2 15 1. If a county's property tax capacity is reduced or the
2 16 amount of revenue to be received by a county from sources
2 17 other than property taxes is reduced, a county is prohibited
2 18 from reducing funding for essential services provided by the
2 19 county from the level such services were funded in the previous
2 20 year without first reducing funding for services that are not
2 21 essential services.

2 22 2. If funding for essential services is reduced under the
2 23 circumstances described in subsection 1, the budget summary
2 24 required to be published by the county pursuant to section
2 25 331.434 shall include a listing of the essential services, by
2 26 service area and item, for which funding was reduced from the
2 27 previous year, the previous year's funding for such service
2 28 area and item, and the proposed funding for such service area
2 29 and item. The listing shall be prefaced by the following
2 30 statement:

2 31 State law requires that when the revenue capacity of a county
2 32 is reduced, funding for nonessential services shall be reduced
2 33 before reductions are made in funding of essential services.
2 34 Following is the list of essential services for which funding
2 35 is reduced in this proposed budget.



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3 1 3. For purposes of this section, "essential services" means
3 2 law enforcement, fire protection service, emergency medical
3 3 services, street lights, water, sewage and sewage disposal,
3 4 garbage pickup and garbage disposal, landfills, roads and road
3 5 maintenance, streets and street maintenance, bridges and bridge
3 6 maintenance, sidewalks and sidewalk maintenance, snow removal,
3 7 and local emergency management to the extent such essential
3 8 services are mandated by statute or have been provided at the
3 9 discretion of the county board of supervisors.
3 10 Sec. 3. NEW SECTION. 384.20A Essential services ==== funding.
3 11 1. If a city's property tax capacity is reduced or the
3 12 amount of revenue to be received by a city from sources other
3 13 than property taxes is reduced, a city is prohibited from
3 14 reducing funding for essential services provided by the city
3 15 from the level such services were funded in the previous year
3 16 without first reducing funding for services that are not
3 17 essential services.
3 18 2. If funding for essential services is reduced under the
3 19 circumstances described in subsection 1, the budget summary
3 20 required to be published by the city pursuant to section 384.16
3 21 shall include a listing of the essential services, by service
3 22 area and item, for which funding was reduced from the previous
3 23 year, the previous year's funding for such service area and
3 24 item, and the proposed funding for such service area and item.
3 25 The listing shall be prefaced by the following statement:
3 26 State law requires that when the revenue capacity of a city
3 27 is reduced, funding for nonessential services shall be reduced
3 28 before reductions are made in funding of essential services.
3 29 Following is the list of essential services for which funding
3 30 is reduced in this proposed budget.
3 31 3. For purposes of this section, "essential services" means
3 32 law enforcement, fire protection service, emergency medical
3 33 services, street lights, water, sewage and sewage disposal,
3 34 garbage pickup and garbage disposal, landfills, roads and road
3 35 maintenance, streets and street maintenance, bridges and bridge



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4 1 maintenance, sidewalks and sidewalk maintenance, snow removal,
4 2 and local emergency management to the extent such essential
4 3 services are mandated by statute or have been provided at the
4 4 discretion of the city council.

4 5 Sec. 4. APPLICABILITY. This division of this Act applies to
4 6 fiscal years beginning on or after July 1, 2012.

4 7 DIVISION III

4 8 PROPERTY ASSESSMENT LIMITATION

4 9 Sec. 5. Section 441.21, subsections 4 and 5, Code 2011, are
4 10 amended to read as follows:

4 11 4. For valuations established as of January 1, 1979,
4 12 the percentage of actual value at which agricultural and
4 13 residential property shall be assessed shall be the quotient
4 14 of the dividend and divisor as defined in this section. The
4 15 dividend for each class of property shall be the dividend
4 16 as determined for each class of property for valuations
4 17 established as of January 1, 1978, adjusted by the product
4 18 obtained by multiplying the percentage determined for that
4 19 year by the amount of any additions or deletions to actual
4 20 value, excluding those resulting from the revaluation of
4 21 existing properties, as reported by the assessors on the
4 22 abstracts of assessment for 1978, plus six percent of the
4 23 amount so determined. ~~However, if the difference between the~~
~~4 24 dividend so determined for either class of property and the~~
~~4 25 dividend for that class of property for valuations established~~
~~4 26 as of January 1, 1978, adjusted by the product obtained by~~
~~4 27 multiplying the percentage determined for that year by the~~
~~4 28 amount of any additions or deletions to actual value, excluding~~
~~4 29 those resulting from the revaluation of existing properties,~~
~~4 30 as reported by the assessors on the abstracts of assessment~~
~~4 31 for 1978, is less than six percent, the 1979 dividend for the~~
~~4 32 other class of property shall be the dividend as determined for~~
~~4 33 that class of property for valuations established as of January~~
~~4 34 1, 1978, adjusted by the product obtained by multiplying~~
~~4 35 the percentage determined for that year by the amount of~~



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~~5 1 any additions or deletions to actual value, excluding those~~
~~5 2 resulting from the revaluation of existing properties, as~~
~~5 3 reported by the assessors on the abstracts of assessment for~~
~~5 4 1978, plus a percentage of the amount so determined which is~~
~~5 5 equal to the percentage by which the dividend as determined~~
~~5 6 for the other class of property for valuations established~~
~~5 7 as of January 1, 1978, adjusted by the product obtained by~~
~~5 8 multiplying the percentage determined for that year by the~~
~~5 9 amount of any additions or deletions to actual value, excluding~~
~~5 10 those resulting from the revaluation of existing properties,~~
~~5 11 as reported by the assessors on the abstracts of assessment~~
~~5 12 for 1978, is increased in arriving at the 1979 dividend for~~
~~5 13 the other class of property. The divisor for each class of~~
5 14 property shall be the total actual value of all such property
5 15 in the state in the preceding year, as reported by the
5 16 assessors on the abstracts of assessment submitted for 1978,
5 17 plus the amount of value added to said total actual value by
5 18 the revaluation of existing properties in 1979 as equalized
5 19 by the director of revenue pursuant to section 441.49. The
5 20 director shall utilize information reported on abstracts of
5 21 assessment submitted pursuant to section 441.45 in determining
5 22 such percentage. For valuations established as of January
5 23 1, 1980, and each year thereafter, the percentage of actual
5 24 value as equalized by the director of revenue as provided
5 25 in section 441.49 at which agricultural and residential
5 26 property shall be assessed shall be calculated in accordance
5 27 with the methods provided ~~herein including the limitation of~~
~~5 28 increases in agricultural and residential assessed values to~~
~~5 29 the percentage increase of the other class of property if the~~
~~5 30 other class increases less than the allowable limit adjusted~~
~~5 31 to include the applicable and current values as equalized by~~
~~5 32 the director of revenue in this subsection, except that any~~
5 33 references to six percent in this subsection shall be four
5 34 percent. For valuations established for the assessment year
5 35 beginning January 1, 2011, and each assessment year thereafter,



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6 1 the percentage of actual value as equalized by the director of
6 2 revenue as provided in section 441.49 at which agricultural
6 3 and residential property shall be assessed shall be calculated
6 4 in accordance with the methods provided in this subsection and
6 5 subsection 5A, except that any references to six percent in
6 6 this subsection shall be four percent.

6 7 5. For valuations established as of January 1, 1979,
6 8 commercial property and industrial property, excluding
6 9 properties referred to in section 427A.1, subsection 8, shall
6 10 be assessed as a percentage of the actual value of each class
6 11 of property. The percentage shall be determined for each
6 12 class of property by the director of revenue for the state in
6 13 accordance with the provisions of this section. For valuations
6 14 established as of January 1, 1979, the percentage shall be
6 15 the quotient of the dividend and divisor as defined in this
6 16 section. The dividend for each class of property shall be the
6 17 total actual valuation for each class of property established
6 18 for 1978, plus six percent of the amount so determined. The
6 19 divisor for each class of property shall be the valuation
6 20 for each class of property established for 1978, as reported
6 21 by the assessors on the abstracts of assessment for 1978,
6 22 plus the amount of value added to the total actual value by
6 23 the revaluation of existing properties in 1979 as equalized
6 24 by the director of revenue pursuant to section 441.49. For
6 25 valuations established as of January 1, 1979, property valued
6 26 by the department of revenue pursuant to chapters 428, 433,
6 27 437, and 438 shall be considered as one class of property and
6 28 shall be assessed as a percentage of its actual value. The
6 29 percentage shall be determined by the director of revenue in
6 30 accordance with the provisions of this section. For valuations
6 31 established as of January 1, 1979, the percentage shall be
6 32 the quotient of the dividend and divisor as defined in this
6 33 section. The dividend shall be the total actual valuation
6 34 established for 1978 by the department of revenue, plus ten
6 35 percent of the amount so determined. The divisor for property



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7 1 valued by the department of revenue pursuant to chapters 428,
7 2 433, 437, and 438 shall be the valuation established for 1978,
7 3 plus the amount of value added to the total actual value by
7 4 the revaluation of the property by the department of revenue
7 5 as of January 1, 1979. For valuations established as of
7 6 January 1, 1980, commercial property and industrial property,
7 7 excluding properties referred to in section 427A.1, subsection
7 8 8, shall be assessed at a percentage of the actual value of
7 9 each class of property. The percentage shall be determined
7 10 for each class of property by the director of revenue for the
7 11 state in accordance with the provisions of this section. For
7 12 valuations established as of January 1, 1980, the percentage
7 13 shall be the quotient of the dividend and divisor as defined in
7 14 this section. The dividend for each class of property shall
7 15 be the dividend as determined for each class of property for
7 16 valuations established as of January 1, 1979, adjusted by the
7 17 product obtained by multiplying the percentage determined
7 18 for that year by the amount of any additions or deletions to
7 19 actual value, excluding those resulting from the revaluation
7 20 of existing properties, as reported by the assessors on the
7 21 abstracts of assessment for 1979, plus four percent of the
7 22 amount so determined. The divisor for each class of property
7 23 shall be the total actual value of all such property in 1979,
7 24 as equalized by the director of revenue pursuant to section
7 25 441.49, plus the amount of value added to the total actual
7 26 value by the revaluation of existing properties in 1980. The
7 27 director shall utilize information reported on the abstracts of
7 28 assessment submitted pursuant to section 441.45 in determining
7 29 such percentage. For valuations established as of January 1,
7 30 1980, property valued by the department of revenue pursuant
7 31 to chapters 428, 433, 437, and 438 shall be assessed at a
7 32 percentage of its actual value. The percentage shall be
7 33 determined by the director of revenue in accordance with the
7 34 provisions of this section. For valuations established as of
7 35 January 1, 1980, the percentage shall be the quotient of the



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8 1 dividend and divisor as defined in this section. The dividend
8 2 shall be the total actual valuation established for 1979 by
8 3 the department of revenue, plus eight percent of the amount so
8 4 determined. The divisor for property valued by the department
8 5 of revenue pursuant to chapters 428, 433, 437, and 438 shall
8 6 be the valuation established for 1979, plus the amount of
8 7 value added to the total actual value by the revaluation of
8 8 the property by the department of revenue as of January 1,
8 9 1980. For valuations established as of January 1, 1981,
8 10 and each year thereafter, the percentage of actual value as
8 11 equalized by the director of revenue as provided in section
8 12 441.49 at which commercial property and industrial property,
8 13 excluding properties referred to in section 427A.1, subsection
8 14 8, shall be assessed shall be calculated in accordance with
8 15 the methods provided ~~herein~~ in this subsection, except that
8 16 any references to six percent in this subsection shall be four
8 17 percent. For valuations established as of January 1, 1981,
8 18 and each year thereafter, the percentage of actual value at
8 19 which property valued by the department of revenue pursuant
8 20 to chapters 428, 433, 437, and 438 shall be assessed shall be
8 21 calculated in accordance with the methods provided herein,
8 22 except that any references to ten percent in this subsection
8 23 shall be eight percent. Beginning with valuations established
8 24 as of January 1, 1979, and each year thereafter, property
8 25 valued by the department of revenue pursuant to chapter 434
8 26 shall also be assessed at a percentage of its actual value
8 27 which percentage shall be equal to the percentage determined
8 28 by the director of revenue for commercial property, industrial
8 29 property, or property valued by the department of revenue
8 30 pursuant to chapters 428, 433, 437, and 438, whichever is
8 31 lowest. For valuations established for the assessment year
8 32 beginning January 1, 2011, and each assessment year thereafter,
8 33 the percentage of actual value as equalized by the director of
8 34 revenue as provided in section 441.49 at which commercial and
8 35 industrial property shall be assessed shall be calculated in



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9 1 accordance with the methods provided in this subsection and
9 2 subsection 5A, except that any references to six percent in
9 3 this subsection shall be four percent.

9 4 Sec. 6. Section 441.21, Code 2011, is amended by adding the
9 5 following new subsection:

9 6 NEW SUBSECTION. 5A. Notwithstanding the limitation
9 7 of increases for agricultural and residential property in
9 8 subsection 4 and the limitation of increases for commercial and
9 9 industrial property in subsection 5, for valuations established
9 10 for the assessment year beginning January 1, 2011, and each
9 11 assessment year thereafter, for residential, agricultural, and
9 12 commercial property, the assessed values of these three classes
9 13 of property shall be limited to the percentage increase of that
9 14 class of property that is the lowest percentage increase under
9 15 the allowable limit adjusted to include the applicable and
9 16 current values as equalized by the director of revenue. The
9 17 lowest percentage increase determined under this subsection
9 18 shall also be applied to industrial property in the same manner
9 19 it is applied to the other three classes of property.

9 20 Sec. 7. RETROACTIVE APPLICABILITY. This division of this
9 21 Act applies retroactively to January 1, 2011, for assessment
9 22 years beginning on or after that date.

9 23 EXPLANATION

9 24 This bill makes changes relating to property taxation and
9 25 local government and school financing.

9 26 Division I of the bill provides for an increase in the
9 27 regular program foundation base under the state school
9 28 foundation program. The foundation base is the specified
9 29 percentage of the state cost per pupil calculation which is
9 30 paid as state aid to school districts, above and beyond the
9 31 uniform property tax levy imposed in Code section 257.3.
9 32 Beginning with the budget year commencing July 1, 2012, the
9 33 increase is phased in over a seven-year period in equal annual
9 34 increments, from the current foundation base level of 87.5
9 35 percent to the level of 100 percent.



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10 1 Division II of the bill makes changes relating to funding of
10 2 city and county budgets and relating to assessment of property
10 3 for property tax purposes. The bill requires a county or
10 4 city whose property tax capacity or other revenue capacity
10 5 is reduced to first reduce funding for services that are not
10 6 essential services. If funding for essential services is also
10 7 reduced, the county or city shall include on the published
10 8 proposed budget summary the listing of essential services
10 9 for which funding has been reduced and a statement informing
10 10 persons that state law requires that when revenue capacity is
10 11 reduced, funding for nonessential services is to be reduced
10 12 before funding for essential services is reduced. The bill
10 13 defines "essential services".
10 14 Division II of the bill applies to fiscal years beginning on
10 15 or after July 1, 2012.
10 16 Division III of the bill ties together the assessment
10 17 limitations of residential, agricultural, and commercial
10 18 property by limiting the percentage increase in all of those
10 19 classes of property to the percentage increase of that class
10 20 of property that is the lowest percentage increase under the
10 21 allowable (4 percent) limit. The division also provides that
10 22 the lowest percentage increase shall be applied to industrial
10 23 property in the same manner that it is applied to the other
10 24 three classes of property.
10 25 Division III of the bill applies retroactively to January 1,
10 26 2011, for assessment years beginning on or after that date.
LSB 1484YH (6) 84
md/sc



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Senate File 11 - Introduced

SENATE FILE
BY BOLKCOM

A BILL FOR

1 An Act delegating to counties the permitting and enforcement
2 powers of the department of natural resources in relation to
3 certain sewage disposal systems and authorizing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1066SS (5) 84
tm/sc



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Senate File 11 - Introduced continued

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1 1 Section 1. Section 331.382, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 10. The power to issue permits, conduct
1 4 inspections, and adopt standards for sewage disposal systems
1 5 that are not private sewage disposal systems, as defined in
1 6 section 455B.171, in relation to authority delegated by the
1 7 department of natural resources pursuant to sections 455B.174
1 8 and 455B.183.

1 9 Sec. 2. Section 455B.174, subsection 4, Code 2011, is
1 10 amended by adding the following new paragraph:

1 11 NEW PARAGRAPH. f. The department may enter into an
1 12 agreement with a county to delegate to the county the duties of
1 13 the department under this subsection as they relate to sewage
1 14 disposal systems that are not private sewage disposal systems.

1 15 Sec. 3. Section 455B.175, Code 2011, is amended to read as
1 16 follows:

1 17 455B.175 Violations.

1 18 1. If there is substantial evidence that any person has
1 19 violated or is violating any provision of this part of this
1 20 division, chapter 459, subchapter III, chapter 459A, or chapter
1 21 459B, or of any rule or standard established or permit issued
1 22 pursuant thereto; then:

1 23 ~~1-~~ a. The director may issue an order directing the person
1 24 to desist in the practice which constitutes the violation or
1 25 to take such corrective action as may be necessary to ensure
1 26 that the violation will cease. The person to whom such order
1 27 is issued may cause to be commenced a contested case within
1 28 the meaning of the Iowa administrative procedure Act, chapter
1 29 17A, by filing with the director within thirty days a notice of
1 30 appeal to the commission. On appeal the commission may affirm,
1 31 modify or vacate the order of the director; or

1 32 ~~2-~~ b. If it is determined by the director that an emergency
1 33 exists respecting any matter affecting or likely to affect the
1 34 public health, the director may issue any order necessary to
1 35 terminate the emergency without notice and without hearing.



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2 1 Any such order shall be binding and effective immediately and
2 2 until such order is modified or vacated at a hearing before the
2 3 commission or by a court; or
2 4 ~~3.~~ c. The director, with the approval of the commission,
2 5 may request the attorney general to institute legal proceedings
2 6 pursuant to section 455B.191 or 459.604.

2 7 2. Notwithstanding the limitations on civil and criminal
2 8 penalty amounts in sections 331.302 and 331.307, a county that
2 9 has entered into an agreement with the department pursuant
2 10 to sections 455B.174 and 455B.183 regarding sewage disposal
2 11 systems that are not private sewage disposal systems may assess
2 12 civil penalties in amounts consistent with and not exceeding
2 13 the amounts established for such penalties under this division.

2 14 Sec. 4. Section 455B.183, Code 2011, is amended by adding
2 15 the following new subsection:

2 16 NEW SUBSECTION. 8. The department may enter into an
2 17 agreement with a county to delegate to the county the duties
2 18 of the department under this section as they relate to sewage
2 19 disposal systems that are not private sewage disposal systems.

2 20 EXPLANATION

2 21 This bill relates to the delegation of permitting and
2 22 enforcement powers of the department of natural resources in
2 23 relation to certain sewage disposal systems.

2 24 The bill allows the delegation of duties from the department
2 25 to counties as those duties relate to the regulation and
2 26 enforcement of sewage disposal systems that are not private
2 27 sewage disposal systems. The bill allows counties to issue
2 28 permits, conduct inspections, and adopt standards in relation
2 29 to the delegation of authority. The bill allows counties to
2 30 assess civil penalties for the regulation of sewage disposal
2 31 systems that are not private sewage disposal systems in amounts
2 32 consistent with but not exceeding the amounts established for
2 33 such penalties in Code chapter 455B.

LSB 1066SS (5) 84

tm/sc



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Senate File 12 - Introduced

SENATE FILE
BY BOLKCOM

A BILL FOR

1 An Act relating to open burning of residential waste in certain
2 areas of the state and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1556XS (1) 84
tm/nh



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Senate File 12 - Introduced continued

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1 1 Section 1. Section 455B.133, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 11. a. Adopt rules to prohibit the open
1 4 burning of residential waste within any of the following areas:

1 5 (1) Beginning January 1, 2012, any city with a population
1 6 of two thousand five hundred or more and any area within one
1 7 quarter mile of any city with a population of two thousand five
1 8 hundred or more.

1 9 (2) Beginning January 1, 2013, any city with a population
1 10 of one thousand or more and any area within one quarter mile of
1 11 any city with a population of one thousand or more.

1 12 (3) Beginning January 1, 2014, any city with a population
1 13 of five hundred or more and any area within one quarter mile of
1 14 any city with a population of five hundred or more.

1 15 (4) Beginning January 1, 2015, any city in the state and any
1 16 area within one quarter mile of any city in the state.

1 17 b. The population of a city as described in this subsection
1 18 shall be based on the most recent federal decennial census.

1 19 EXPLANATION

1 20 This bill relates to open burning of residential waste in
1 21 certain areas of the state.

1 22 The bill requires the environmental protection commission
1 23 to adopt administrative rules prohibiting the open burning of
1 24 residential waste in cities and in areas within one quarter
1 25 mile of cities. The prohibition begins on January 1, 2012,
1 26 in cities with a population of 2,500 or more; on January 1,
1 27 2013, in cities with a population of 1,000 or more; on January
1 28 1, 2014, in cities with a population of 500 or more; and on
1 29 January 1, 2015, in all cities in the state.

1 30 Criminal penalties provided in Code section 455B.146A are
1 31 applicable to violations of the provisions of the bill.

LSB 1556XS (1) 84

tm/nh



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Senate File 13 - Introduced

SENATE FILE
BY BOLKCOM

A BILL FOR

1 An Act requiring certain health benefit contracts, policies, or
2 plans to provide coverage of tobacco use cessation programs
3 and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1623XS (2) 84
av/sc



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Senate File 13 - Introduced continued

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1 1 Section 1. NEW SECTION. 514C.29 Tobacco use cessation
1 2 program coverage.
1 3 1. Notwithstanding the uniformity of treatment requirements
1 4 of section 514C.6, a contract, policy, or plan providing for
1 5 third=party payment or prepayment of health or medical expenses
1 6 shall provide coverage benefits for a tobacco use cessation
1 7 program for any enrollee who is eighteen years of age or
1 8 older, including but not limited to the following classes of
1 9 third=party payment provider contracts, policies, or plans
1 10 delivered, issued for delivery, continued, or renewed in this
1 11 state on or after September 1, 2011:
1 12 a. Individual or group accident and sickness insurance
1 13 providing coverage on an expense=incurred basis.
1 14 b. An individual or group hospital or medical service
1 15 contract issued pursuant to chapter 509, 514, or 514A.
1 16 c. An individual or group health maintenance organization
1 17 contract regulated under chapter 514B.
1 18 d. An individual or group Medicare supplemental policy,
1 19 unless coverage pursuant to such policy is preempted by federal
1 20 law.
1 21 e. A plan established pursuant to chapter 509A for public
1 22 employees.
1 23 2. This section shall not apply to accident=only, specified
1 24 disease, short=term hospital or medical, hospital confinement
1 25 indemnity, credit, dental, vision, long=term care, basic
1 26 hospital and medical=surgical expense coverage as defined
1 27 by the commissioner, disability income insurance coverage,
1 28 coverage issued as a supplement to liability insurance,
1 29 workers' compensation or similar insurance, or automobile
1 30 medical payment insurance.
1 31 3. As used in this section, "tobacco use cessation program"
1 32 means a program recommended by a physician that follows the
1 33 United States public health service guidelines for tobacco use
1 34 cessation or a product or service with an "A" or "B" rating
1 35 from the task force on community preventive services at the



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2 1 United States centers for disease control and prevention of the
2 2 United States department of health and human services. "Tobacco
2 3 use cessation program" includes education and medical treatment
2 4 components designed to assist a person in ceasing the use of
2 5 tobacco products.

2 6 4. The commissioner of insurance shall adopt rules pursuant
2 7 to chapter 17A as necessary to administer this section.

2 8 EXPLANATION

2 9 This bill requires that specified individual or group
2 10 health benefit contracts, policies, or plans provide coverage
2 11 benefits for a tobacco use cessation program for any enrollee
2 12 who is 18 years of age or older. The bill is applicable to
2 13 third=party payment provider contracts, policies, or plans that
2 14 are delivered, issued for delivery, continued, or renewed in
2 15 this state on or after September 1, 2011.

2 16 For purposes of the bill, "tobacco use cessation program"
2 17 means a program recommended by a physician that follows the
2 18 United States public health service guidelines for tobacco use
2 19 cessation or a product or service with an "A" or "B" rating
2 20 from the task force on community preventive services at the
2 21 United States centers for disease control and prevention.

LSB 1623XS (2) 84

av/sc



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Senate File 14 - Introduced

SENATE FILE
BY SODDERS

A BILL FOR

1 An Act requiring cable barriers on primary highways adjacent to
2 borrow pits.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1537XS (2) 84
dea/nh



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Senate File 14 - Introduced continued

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1 1 Section 1. NEW SECTION. 313.38 Borrow pit adjacent to
1 2 highway.
1 3 The department shall erect a high=tension cable barrier
1 4 along that portion of a highway within the primary road system
1 5 where a borrow pit is located within the highway right=of=way
1 6 or on property adjacent to the highway right=of=way if the
1 7 proximity of the borrow pit to the roadway poses a danger to
1 8 public safety, as determined by the department.

1 9 EXPLANATION

1 10 This bill requires the department of transportation to
1 11 erect a high=tension cable barrier along portions of a primary
1 12 highway where a borrow pit is located within the highway
1 13 right=of=way or on property adjacent to the right=of=way.
1 14 The barrier is required at locations where the department
1 15 determines that the proximity of a borrow pit to the roadway
1 16 poses a danger to public safety.

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dea/nh



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Senate File 15 - Introduced

SENATE FILE
BY SODDERS

A BILL FOR

1 An Act requiring that the director of the Iowa law enforcement
2 academy be appointed by the governor for a four-year term
3 from nominees selected by the law enforcement academy
4 council and including applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1404XS (3) 84
je/rj



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Senate File 15 - Introduced continued

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1 1 Section 1. Section 80B.5, Code 2011, is amended to read as
1 2 follows:

1 3 80B.5 Administration.

1 4 The administration of this chapter shall be vested in the
1 5 office of the governor. A director of the academy ~~and such~~
~~1 6 shall be appointed by the governor from a slate of nominees~~
1 7 submitted to the governor by the Iowa law enforcement academy
1 8 council. The council shall submit a slate of up to three
1 9 nominees for the position to the governor for the governor's
1 10 consideration. The nominees shall be chosen by the affirmative
1 11 vote of a majority of council members upon the basis of their
1 12 qualifications and without regard to political affiliation.
1 13 The slate of nominees may include the current director. The
1 14 director shall serve for a four-year term beginning on January
1 15 1 of an even-numbered year in which a general election for the
1 16 office of governor will not take place. A vacancy in this
1 17 position shall be filled in the same manner as the original
1 18 appointee. An appointee filling a vacancy shall serve for
1 19 the remainder of the original term. Other staff as may be
1 20 necessary for ~~it~~ the academy to function shall be employed
1 21 pursuant to the ~~Iowa~~ merit system provisions of chapter 8A,
1 22 subchapter IV.

1 23 Sec. 2. POSITION ABOLISHED. The position of the director
1 24 of the Iowa law enforcement academy, subject to the merit
1 25 system provisions of chapter 8A, subchapter IV, is abolished on
1 26 December 31, 2011.

1 27 Sec. 3. APPLICABILITY. This Act applies to the appointment
1 28 of the director of the Iowa law enforcement academy for terms
1 29 beginning on or after January 1, 2012.

1 30 EXPLANATION

1 31 Current law provides that the position of director of the
1 32 Iowa law enforcement academy is a state merit system position.
1 33 This bill provides that the director is appointed by the
1 34 governor from a slate of up to three nominees submitted by
1 35 the Iowa law enforcement academy council. The bill provides



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2 1 that nominees be chosen by the affirmative vote of a majority
2 2 of council members based on their qualifications and without
2 3 regard to political affiliation. The bill provides that the
2 4 council may include the current director in the slate of
2 5 nominees. The bill provides that the director serves for a
2 6 four-year term starting on January 1 in each even-numbered year
2 7 in which a general election for the office of governor will not
2 8 take place. The bill provides that a vacancy in the position
2 9 be filled in the same manner as the original appointee, with
2 10 the new appointee serving for the remainder of the original
2 11 term.

2 12 The bill abolishes the merit position of the director of the
2 13 Iowa law enforcement academy on December 31, 2011.

2 14 The bill applies to the appointment of the director of the
2 15 Iowa law enforcement academy for terms beginning on or after
2 16 January 1, 2012.

LSB 1404XS (3) 84

je/rj



Iowa General Assembly
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Senate File 16 - Introduced

SENATE FILE
BY SODDERS

A BILL FOR

1 An Act providing a property assessment adjustment for certain
2 persons who have attained the age of seventy, providing a
3 penalty, and including retroactive and other applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1212XS (4) 84
md/sc



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Senate File 16 - Introduced continued

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1 1 Section 1. NEW SECTION. 425B.1 Homestead assessed value
1 2 adjustment == purpose.
1 3 Persons who own their homesteads and who meet the
1 4 qualifications provided in this chapter are eligible for an
1 5 adjustment in the assessed value of their homesteads, as
1 6 provided in this chapter, to prevent an increase in such
1 7 values.
1 8 Sec. 2. NEW SECTION. 425B.2 Definitions.
1 9 As used in this chapter, unless the context otherwise
1 10 requires:
1 11 1. "Assessed value" means the actual value prior to any
1 12 adjustment pursuant to section 441.21, subsection 4.
1 13 2. "Base assessment year" means the assessment year
1 14 beginning in the base year.
1 15 3. "Base year" means the calendar year last ending before
1 16 the claim is filed.
1 17 4. "Claimant" means a person filing a claim for adjustment
1 18 under this chapter who has attained the age of seventy years
1 19 on or before December 31 of the base year and is domiciled in
1 20 this state at the time the claim is filed or at the time of the
1 21 person's death in the case of a claim filed by the executor or
1 22 administrator of the claimant's estate.
1 23 5. "Homestead" means the dwelling owned and actually used
1 24 as a home by the claimant for at least six months during the
1 25 base year and so much of the land surrounding it, including one
1 26 or more contiguous lots or tracts of land, as is reasonably
1 27 necessary for use of the dwelling as a home, and may consist
1 28 of a part of a multidwelling or multipurpose building and a
1 29 part of the land upon which it is built. It does not include
1 30 personal property except that a manufactured or mobile home
1 31 may be a homestead. Any dwelling or a part of a multidwelling
1 32 or multipurpose building which is exempt from taxation does
1 33 not qualify as a homestead under this chapter. A homestead
1 34 must be located in this state. When a person is confined in a
1 35 nursing home, extended-care facility, or hospital, the person



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2 1 shall be considered as occupying or living in the person's
2 2 homestead if the person is the owner of the homestead and the
2 3 person maintains the homestead and does not lease, rent, or
2 4 otherwise receive profits from other persons for the use of the
2 5 homestead.

2 6 6. "Owned" means owned by an owner as defined in section
2 7 425.11.

2 8 Sec. 3. NEW SECTION. 425B.3 Right to file a claim.

2 9 The right to file a claim for an assessed value adjustment
2 10 under this chapter may be exercised by the claimant or on
2 11 behalf of a claimant by the claimant's legal guardian, spouse,
2 12 or attorney, or by the executor or administrator of the
2 13 claimant's estate. If a claimant dies after having filed a
2 14 claim for adjustment, the amount of any adjustment shall be
2 15 made as if the claimant had not died.

2 16 Sec. 4. NEW SECTION. 425B.4 Claim for adjustment.

2 17 1. Subject to the limitations provided in this chapter,
2 18 a claimant may annually claim an adjustment of the assessed
2 19 value of the claimant's homestead for the base assessment year.
2 20 The adjustment claim shall be filed with the county assessor
2 21 between January 1 and February 15 immediately following
2 22 the close of the base assessment year. However, in case of
2 23 sickness, absence, or other disability of the claimant, or
2 24 if in the judgment of the county assessor good cause exists,
2 25 the county assessor may extend the time for filing a claim for
2 26 adjustment through June 30 of the same calendar year.

2 27 2. The county assessor shall notify the department of
2 28 revenue by March 1 of the number of claimants receiving
2 29 adjustments under this chapter and the total amount of the
2 30 reduced assessed values for the base assessment year.

2 31 Sec. 5. NEW SECTION. 425B.5 Adjustment == maximum tax
2 32 dollars levied.

2 33 The assessed value of the claimant's homestead in the
2 34 base assessment year shall be adjusted, but not increased,
2 35 to equal the assessed value, as such assessed value may have



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3 1 been adjusted pursuant to this chapter, in the assessment year
3 2 preceding the base assessment year. If the amount of property
3 3 taxes levied against the adjusted assessment exceed the amount
3 4 of property taxes levied against the property in the fiscal
3 5 year for which taxes were first levied against an adjusted
3 6 assessment under this chapter, the treasurer shall subtract the
3 7 difference from the amount due.
3 8 Sec. 6. NEW SECTION. 425B.6 Administration.
3 9 The director of revenue shall make available suitable forms
3 10 for claiming an assessed value adjustment with instructions
3 11 for claimants. Each assessor and county treasurer shall make
3 12 available the forms and instructions. The claim shall be in a
3 13 form as the director may prescribe.
3 14 Sec. 7. NEW SECTION. 425B.7 Proof of claim.
3 15 1. Every claimant shall give the department of revenue, in
3 16 support of the claim, reasonable proof of:
3 17 a. Age.
3 18 b. Changes of homestead.
3 19 c. Size and nature of the property claimed as the homestead.
3 20 2. The director of revenue may require any additional proof
3 21 necessary to support a claim.
3 22 Sec. 8. NEW SECTION. 425B.8 Audit == denial.
3 23 If on the audit of a claim for adjustment under this chapter,
3 24 the director of revenue determines the claim is not allowable,
3 25 the director shall notify the claimant of the denial and the
3 26 reasons for it. The director shall not deny a claim after
3 27 three years from October 31 of the year in which the claim was
3 28 filed. The director shall give notification to the county
3 29 assessor of the denial of the claim and the county assessor
3 30 shall instruct the county treasurer to proceed to collect the
3 31 tax that would have been levied on the applicable adjusted
3 32 assessed value in the same manner as other property taxes
3 33 due and payable are collected, if the property on which the
3 34 adjustment was granted is still owned by the claimant.
3 35 Sec. 9. NEW SECTION. 425B.9 Waiver of confidentiality.



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4 1 1. A claimant shall expressly waive any right to
4 2 confidentiality relating to all information available to the
4 3 county assessor who shall hold the information confidential
4 4 except that it may be used as evidence to disallow the assessed
4 5 value adjustment.

4 6 2. The department of revenue may release information
4 7 pertaining to a person's eligibility or claim for or receipt of
4 8 the assessed value adjustment to an employee of the department
4 9 of inspections and appeals in the employee's official conduct
4 10 of an audit or investigation.

4 11 Sec. 10. NEW SECTION. 425B.10 False claim == penalty.

4 12 A person who makes a false affidavit for the purpose of
4 13 obtaining an adjustment in assessed value provided for in
4 14 this chapter or who knowingly receives the adjustment without
4 15 being legally entitled to it or makes claim for the adjustment
4 16 in more than one county in the state without being legally
4 17 entitled to it is guilty of a fraudulent practice. The claim
4 18 for adjustment shall be disallowed in full and property tax
4 19 shall be levied on the disallowed adjustment at the rate that
4 20 would have been levied but for the adjustment. The director of
4 21 revenue shall send a notice of disallowance of the claim.

4 22 Sec. 11. NEW SECTION. 425B.11 Statutes applicable.

4 23 To the extent not otherwise contrary, the provisions of
4 24 sections 425.30, 425.31, 425.32, and 425.37 apply to this
4 25 chapter.

4 26 Sec. 12. APPLICABILITY. This Act applies retroactively to
4 27 January 1, 2011, for assessment years beginning on or after
4 28 that date and to the filing of claims on or after January 1,
4 29 2012, for adjustments of assessed values.

4 30 EXPLANATION

4 31 This bill provides for an adjustment in the assessed value of
4 32 a homestead, as defined in the bill, if the owner is a person
4 33 who is 70 or older. The assessed value of the homestead upon
4 34 which property taxes are levied in a fiscal year is the same
4 35 assessed value as for the previous fiscal year. Assessed value



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5 1 is that value prior to any rollback being applied.

5 2 The bill provides that a person who makes a false affidavit
5 3 for the purpose of obtaining an adjustment, knowingly receives
5 4 the adjustment without being legally entitled to it, or makes
5 5 claim for the adjustment in more than one county without being
5 6 legally entitled to it is guilty of a fraudulent practice and
5 7 is subject to a criminal penalty.

5 8 The bill applies retroactively to January 1, 2011, for
5 9 assessment years beginning on or after that date and applies to
5 10 claims filed on or after January 1, 2012, for the adjustments.

LSB 1212XS (4) 84

md/sc



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Senate File 17 - Introduced

SENATE FILE
BY SODDERS

A BILL FOR

1 An Act relating to the county enforcement surcharge and
2 increasing a fee.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1040XS (4) 84
jm/nh



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1 1 Section 1. Section 331.301, subsection 16, Code 2011, is
1 2 amended to read as follows:
1 3 16. The board of supervisors may by resolution allow a ~~five~~
~~1 4 ten~~ dollar county enforcement surcharge to be assessed pursuant
1 5 to section 911.4.
1 6 Sec. 2. Section 602.8108, subsection 6, Code 2011, is
1 7 amended to read as follows:
1 8 6. The clerk of the district court shall remit all moneys
1 9 collected from the county enforcement surcharge pursuant to
1 10 section 911.4 to the county where the citation was issued ~~for~~
~~1 11 deposit in the county general fund no later than the fifteenth~~
~~1 12 day of each month.~~ Fifty percent of the surcharge moneys shall
1 13 be deposited in the county general fund and fifty percent of
1 14 the surcharge moneys shall be deposited in the county mental
1 15 health, mental retardation, and developmental disabilities
1 16 services fund created in section 331.424A.
1 17 Sec. 3. Section 911.4, Code 2011, is amended to read as
1 18 follows:
1 19 911.4 County enforcement surcharge.
1 20 1. If the county has adopted a resolution pursuant to
1 21 section 331.301, subsection 16, and a court imposes a fine or
1 22 forfeiture for any simple misdemeanor punishable as a scheduled
1 23 violation pursuant to a citation issued by ~~the sheriff as~~
~~1 24 defined in section 331.101~~ a peace officer in that particular
1 25 county, the court or the clerk of the district court shall
1 26 assess a surcharge in the amount of ~~five~~ ten dollars for each
1 27 applicable violation in addition to any fine, forfeiture, or
1 28 other surcharge.
1 29 2. Pursuant to section 602.8108, subsection 6, the
1 30 surcharge shall be ~~deposited in~~ remitted to the county ~~general~~
~~1 31 fund of the county~~ where the citation was issued and deposited
1 32 as provided in that subsection.
1 33 3. The surcharge is subject to the provisions of chapter
1 34 909 governing the payment and collection of fines, as provided
1 35 in section 909.8.



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2 1 4. As used in this section, "peace officer" means the
2 2 sheriff as defined in section 331.101 or a peace officer as
2 3 defined in section 97A.1.

2 4 EXPLANATION

2 5 This bill relates to the county enforcement surcharge, and
2 6 provides for a fee.

2 7 Under the bill, when a court imposes a fine or forfeiture
2 8 for any simple misdemeanor punishable as a scheduled violation
2 9 pursuant to a citation issued by a county sheriff or an officer
2 10 of the department of public safety, the court or the clerk of
2 11 the district court shall assess a county enforcement surcharge
2 12 in the amount of \$10 for each applicable violation. Current
2 13 law applies only to citations issued by a county sheriff
2 14 and the county enforcement surcharge is set at \$5 for each
2 15 violation.

2 16 The bill requires 50 percent of the surcharge amount to
2 17 be deposited into the general fund of the county where the
2 18 citation was issued, and the remaining 50 percent of the
2 19 surcharge to be deposited into the mental health, mental
2 20 retardation, and developmental disabilities services fund of
2 21 the county. Current law requires the surcharge amount to
2 22 be deposited into the general fund of the county where the
2 23 citation was issued.

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